

**TEMPLATE FOR SUBMISSION OF COMMENTS ON THE
GUIDANCE TO FACILITATE THE DEVELOPMENT OF REGIONAL
ENVIRONMENTAL MANAGEMENT PLANS (ISBA/27/C/37)**

Please fill out the form for general comments and textual proposals which your delegation(s) wish(es) to amend, add or delete, and send to: pemmr-secretariat@isa.org.im

Field Code Changed

1. Name(s) of Delegation(s) making the proposal, including contact details:

CHINA

2. Please provide general comments, including the main rationales for the textual proposals.

General comments

China considers that development of the Guidance to facilitate the development of regional environmental management plans (the REMP Guidance) should be strictly based on the mandate of the United Nations Convention on the Law of the sea (the Convention), and take into account the experiences of existing practices.

Firstly, according to Article 165 of the Convention, developing REMP is within the competence of the LTC. It is the intention of the Convention to give full play to the leading role of the LTC in the development and review of the REMP. Especially at present, the number of LTC members has increased and the professional coverage of the LTC is more comprehensive, so it should give full play to its role. At present, it has accumulated some practical experience in the development of the REMP, including in the formulation process of the REMP for the Clarion-Clipperton Fracture zone and the REMP for the Mid-Atlantic Ridge, the LTC has played a key role and achieved great results.

Secondly, as for the participation of experts in REMP development, it has been stipulated in the REMP Guidance that the LTC will organize expert workshop or seek external experts opinions as needed, which give experts opportunities to fully participate. The establishment of the expert committee, as proposed by some States, is not provided for in the Convention and the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (the Agreement). Even for those bodies that are provided for in the Convention, the setting up and the functioning shall be based on an evolutionary approach, and more caution should be exercised in the establishment of unspecified bodies. The Note by the Legal and Technical Commission on Draft regulations on exploitation of mineral resources in the Area in ISBA/25/C/18 clearly states that "[t]he Commission recognized the merit of engaging with external experts in supplementing its work and expertise, but considered that such engagements should be discretionary and not mandatory. ...While the Commission sees merit in seeking input from external experts to complement its expertise, the Commission is conscious of

the need to avoid establishing a mechanism that would be overly bureaucratic and formalistic". Experts' participation in the work of REMP should fully respect the opinions of the LTC. In addition, the establishment of a new body will involve complex procedures, personnel qualification and selection, and functional coordination with the LTC, as well as funding sources and budget increases, so the need for establishment should be carefully considered.

Thirdly, China agrees that REMP is a very important tool for environmental management and supports the development of the REMP Guidance. However, REMP and the RMEP Guidance should remain as policy documents rather than standards. As stated in paragraph 4 of the Note by the secretariat on Relationship between the draft regulations on exploitation of mineral resources in the Area and regional environmental management plans ISBA/25/C/4, "[a]lthough the basis for the Council's decision to establish regional environmental management plans stems from the powers and functions allocated to the Council under the Convention, the plans are not themselves legal instruments but rather instruments of environmental policy." Meanwhile, the REMP Guidance should be future-oriented and should not affect REMPs that have been developed and are being developed.

The main rationales for the textual proposals

For the 'Synthesize environmental data' mentioned in this part, the original categories were mainly limited to biodiversity and ecosystem indicators, neglecting three key geological, chemical oceanographic and topographic indicators mentioned above. Surface sediment characteristics and multi-scale topographic features are important basis for deep-sea habitats and for the survival of deep-sea communities and populations. Sediment fluxes are a major source of organic matter and energy supply for most deep-sea ecosystems, such as the CCZ and the Northwest Pacific Ocean, and spatial and temporal variability in sediment fluxes largely influences the abundance, structure and distribution of deep-sea biotic communities. The multi-scale variability of these three indicators has key influences on the types of biotic communities, population connectivity and the stability of populations in the face of potential disturbances from deep-sea mining activities and their resilient after disturbances. Therefore, these aspects need to be included in the data synthesis and analysis phase, and should be given great attention.

3. **Kindly provide specific textual proposals in table below, using the "track changes" function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.**

Specific Textual Proposals	
Relevant provision in document ISBA/27/C/37 (Page and paragraph number)	Proposed amendment(s)/addition(s)/deletion(s)

The Annex "Standardized procedure for the development, approval and review of regional environmental management plans", III,D.11.(C)	Synthesize environmental data, including faunal distribution, dispersal capabilities and distances; genetic connectivity; patterns of biodiversity; community structure; ecosystem function; ecological proxy variables; surface sediment features ; sediment flux ; and multi-scale topographic features
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