

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL - PART I**

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

**1. Name of Working Group:**

Inspection, Compliance and Enforcement

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

The Pew Charitable Trusts

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

DR 102

**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. All installations, ~~mining~~-vessels and mining collectors involved in exploitation activities under the Exploitation contract shall be fitted with:

- (a) [an electronic monitoring system] [A device] which shall record, where technically feasible in real time, inter alia, the date, time and position of all mining activities, and ~~where technically possible, shall also provide~~ environmental data including Underwater Cultural Heritage; and
- (b) The electronic monitoring system shall also encompass the monitoring of the environment, implementing the obligations under Regulation [46ter], allowing for adaptive management during the mining operation.

2 bis. The Contractor shall use the best-available environmental and archaeological techniques to monitor in real-time and in the actual environment the mining impact, including the removal of mineral resources, plume dispersal, chemical emissions, introduction of pollutants including light and sound, allowing for adaptive management during the mining operation

2 ter. The electronic monitoring system [should][shall] also encompass the monitoring of mining impacts and be in accordance with the Environmental Monitoring and Management Plan, as well as include a survey of the seabed to identify Underwater Cultural Heritage implementing the obligations under Regulation 46, allowing for adaptive management during the mining operation

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

As a general comment for this regulation, it would be helpful to understand how the recommendations from the ISA ISA Technical Study 29 (2022) on remote monitoring systems in support of inspection in the Area will be considered. This study posed three different monitoring options that vary considerably in both cost, and the level of

information that would be provided to the ISA for the purposes of compliance. One of the questions posed is whether the ISA should have its own monitoring equipment on board the Contractor vessel, or rely solely on Contractor self-reporting. The authors also proposed additional Standards on the necessary parameters to be monitored and on standardisation of the monitoring report, including content, data handling, and reporting frequency.

For paras 2(b), 2bis, 2ter, we suggest that if the ISA wants to apply an adaptive management approach, there needs to be more clarity over its meaning. Adaptive management should not be used to enable environmentally risky mining in circumstances of uncertainty, with adjustments made as and when unacceptable harm occurs.

Adaptive management should be about the contractor operating a cycle of continuous monitoring, learning and improvement: a systematized approach to a feedback loop and corrective actions. This should be incorporated into a contractor's environmental management system in any event. We support that, but we do not agree with the references to adaptive management here, which are unexplained and may be open to unhelpful interpretation, as such we have proposed its deletion.