

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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.

The facilitators' proposed amendments are reflected in **red**.

Pew's proposed amendments and our questions or comments regarding the facilitator's remarks are indicated as in-line edits in **blue**. Where we propose deletions of the facilitator's text this is shown ~~in strikethrough and bold~~.

1. Name of Working Group:

IWG Environment

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

Pew Charitable Trusts

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

DR 59

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.

1. A Contractor shall develop a Closure Plan that shall, in accordance with regulation 7 (3) (i), Annex VIII, and applicable environmental standards, sets out the responsibilities and actions of a Contractor for the decommissioning and closure of activities in a Mining Area, including the post-closure management and monitoring of residual Environmental Effects, in accordance with the applicable Standard. Closure also includes a temporary suspension of mining activities.

2bis. The Contractor shall take steps to promote transparency throughout shall be guaranteed during the Closure process, including by consulting relevant stakeholders shall be consulted in the Closure Plan design and implementation, and by routinely publishing monitoring data collected during implementation of the Closure Plan.

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

Para 1: It seems odd to have no cross-reference to the Annex that sets the template for the Closure Plan, in this DR59 which provides detailed requirements for the Closure Plan. We suggest adding a reference.

Para 2 bis: We support the importance to uphold transparency during the closure process, but are concerned that this provision, as drafted (in the passive voice and without an assigned responsible actor) would be unenforceable and unlikely to yield specific actions. We therefore suggest some drafting amendment. We also note that ‘stakeholders’ is a defined term, which includes consideration of relevant interest, and so ‘relevant’ is redundant here, and indeed could even have unintended consequences of narrowing the group of stakeholders to which this regulation applies.