

**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.

1. Name of Working Group:

Marine Environment

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

African Group

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

Reg 55

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.

DR 55 alt. *The Environmental Compensation Fund has two purposes:*

- 1. In the event that there is environmental damage caused by contractor activities that WEFe not consented, then in accordance with the polluter pays principle the contractor shall bear liability for the financing of any measure to Mitigate that environmental damage and shall also be liable for compensation to any person affected by that environmental damage, but if the contractor is unable to meet that liability in full, then, as a last resort, the environmental compensation fund may be called upon; and*
- 2. In the event that there is unforeseen environmental damage caused by contractor activities that were consented activities then the environmental liability fund shall be used to finance any measure to mitigate that environmental damage and compensate any person affected by that environmental damage.'*

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

The African Group considers that the purpose of the Environmental Compensation Fund should be clear at the outset, and that this regulation would benefit from streamlining. As such, we propose an alt Regulation 55. Details as listed in the original wording would be best placed in the Rules and Procedures of the Fund (to be drafted by the Finance Committee) and Standards and Guidelines where necessary.