

REVIEW OF COMMENTS RECEIVED THROUGH SUBMISSIONS OF STAKEHOLDERS TO THE FIRST DRAFT STRATEGIC PLAN FOR THE INTERNATIONAL SEABED AUTHORITY FOR THE FIVE-YEAR PERIOD 2024-2028

Placement Draft 1 ¹	Placement Draft 2 ²	Stakeholder	Comments	Action taken
General	Para.2	Japan	Suggests that more perspective on the interests of contractors be added through the text.	See addition para. 2
General	General	Nauru IFREMER IOM	Suggests replacing ' <i>mankind</i> ' with ' <i>humankind</i> '	Incorporated through the text.
General	General	PEW	Suggests that use of the term ' <i>stakeholder</i> ' be replaced with ' <i>public</i> '	Considering that the general terms used by the Authority to discuss engagement of different interest group is "stakeholders" , this term has ben kept.
Para.2	Para.2	Canada	Suggests, in line with Art. 169 of UNCLOS, referring to " <i>international and non-governmental organizations</i> " instead of " <i>global and regional intergovernmental organizations</i> ".	See Para. 2
Para.4 (a)	Para.4(a)	Canada	Suggests modifying as follows: " <i>To ensure the realization of the common heritage of mankind principle for the Area and its resources</i> ".	Incorporated under new Para.4(a)
Para.4 (b)	Para.4(b)	Canada	Suggests using "sound" instead of "rational".	Considering that Article 159 (b) of UNCLOS uses the word "rational", the language used here has been retained.

¹ Open for consultation from 26 May to 26 June 2023.

² See ISBA/28/A/7, Annex I.

Para.4 (c)	Para.4(c)	GSR/NORI	Recommend adding “ <i>To support the <u>establishment</u> and <u>implementation</u>...</i> ”.	Considering that the legal regime of the Area has already been ‘established’, the focus is on the development of rules, regulations and procedure and the implementation.
		NORI	Suggests amending as follows: ‘ <i>including the <u>adoption by the Authority’s of rules, regulations and procedures for exploitation activities in the Area</u></i> ’	Incorporated
Para.4(e) & (f)	Para.4(d) & (e)	IFREMER	Suggests moving the paragraphs after (b) or (c)	Incorporated. See new 4 (d) and (e)
4(g)	4(g)	Canada	In order not to limit public access to environmental information only it suggests amending as follows ‘ <i>provide broad public access to information</i> ’	Incorporated
		IFREMER	Recommends adding ‘ <i>and to non confidential data</i> ’	Addressed through new formulation.
		GSR	Recommends adding ‘ <i>and facilitate the use of environmental information for the benefit of mankind</i> ’	Addressed through new formulation.
Para.4(j)	Para.4(j)	Canada	Suggest amending to read as follows ‘ <i>To ensure transparency and accountability</i> ’, to avoid limiting this to results.	Incorporated
		IOM	Seeks clarification on what ‘results’ refers to	Addressed with new formulation
Para.5(b)	Para.5(b)	IFREMER	Suggests adding before (b) a new (b): ‘ <i>The Convention, and in particular article 145 which states inter alia “Necessary measures shall be taken in accordance with this Convention with respect to activities in the Area to ensure effective protection for the marine environment from harmful effects which may arise from such activities”</i> ’.	Incorporated
Para.5(c)	5(c)(ii)	Canada	Suggests adding the following to 5 (c): “ <i>Annex, section 1 (5) (g), which requires the Adoption of rules, regulations and procedures incorporating applicable standards for the protection and preservation of the marine environment</i> ”.	Incorporated

Para.5(c)(iv))	Para.5(c) (iv)	NORI	Recommends adding “ <i>Annex, section 1(15), which requires the elaboration and adoption of rules regulations and procedures necessary to facilitate the approval of plans of work for exploration or exploitation, and in particular the elaboration and adoption of rules, regulations or procedures regarding exploitation within two years of a request by a State Party under section 1(15)(a);</i> ”	Incorporated
Para.7	Para.7 & Para.8	Canada	Noting formatting/spacing issue, suggests shortening the sentence.	See new Para 7 and Para. 8.
Para.7	Para.7 & Para.8	COMRA	Proposes that the mission statement is adjusted as follows: ‘ <i>The mission of the Authority is to promote the rational, orderly and sustainable exploitation of the resources in the Area for the benefit of mankind as a whole, and to ensure that contractors move from exploration to exploitation in a lawful manner. To this end, comprehensive regulatory rules and mechanisms for commercial mining in the Area should be developed to ensure a balance between the rights and obligations of different entities, between the exploitation of resources and environmental protection, and between the interests of mankind as a whole and the commercial interests of contractors. These regulatory rules and mechanisms include the development of unified and non-discriminatory specific measures to provide incentives to contractors, a specific regime that balances exploitation and environmental protection of the deep sea, a payment system to fairly treat contractors. the Authority and all mankind, mechanisms for the equitable sharing of financial and other economic benefits derived from activities</i> ’	See new Para 7 and Para. 8.
Section III	Section III	IFREMER	Suggests that the ‘ <i>Strategic Plan should also identify the global changes (such as climate change, biodiversity loss, pollutions etc.) and the role of the Oceans, and impacts of these changes on the Oceans, as part of the context</i> ’.	See new Para. 12

Section III	Section III	PEW	Suggests that <i>‘The triple planetary crisis should be highlighted in the Context and Challenges section. The inter-linked and urgent pressures presented by the current state of global pollution, biodiversity loss, and climate crisis, are essential context in shaping the way in which the ISA operates’</i> . Also mentions that <i>‘It seems odd that, apart from a possible oblique nod in paragraph 12, the pressure of the 2-year rule triggering, and the anticipation of receiving a world-first application for exploitation in the Area during the Plan period⁹ (potentially, before the ISA has achieved readiness in terms of RRP and institutional capacity), are not included as relevant context and challenges. During the last Strategic Plan period, a movement calling for a moratorium (or similar deferral in exploitation) at the ISA has built momentum. Such voices have included ISA member States, Parliamentarians, private sector, financial institutions, fishery organisations, scientists and civil society. This seems highly pertinent to the ISA’s operating environment, and appropriate to include in the “Context and Challenges” section.’</i>	See new Para.12.
Para.11	Para.13	NORI	Suggests amending as follows: <i>"<u>Following the Republic of Nauru’s request made pursuant to section 1(15)(a), which was effective as of 9 July 2021, the Authority is required to adopt regulations for exploitation by 9 July 2023. Regulations for exploitation must reflect best international standards and practices, as well as agreed principles of sustainable development.</u>"</i>	See Para. 13.
Para.12	Para.13	Canada	Suggests the reference be to Rules, Regulations, and Procedures.	See Para.13
Para.12	Para.13	NORI	Suggests adding <i>"<u>and that regulations necessary to facilitate the approval of plans work for exploitation must be adopted</u>"</i>	See adjustment.

			<i>within two years of a State making a relevant request in accordance with section 1(15)(a)."</i>	
Para.13	Para.15	IOM	Seeks clarification on what ‘activities’ means in this context	See Para.13
Para.15	Para.16	Canada	Proposes additions	See Para. 16
Para.15	Para.15	GSR	Suggests that the role of contractors should be better acknowledged	See Para.15 and Para. 16. See also Para. 20
Para.17	Para.20	Canada	Suggests that a reference to gender priorities/initiatives should be mentioned.	See para. 20
Para.19	Para.23	IOM	Proposes replacing “to guide’ with ‘guiding”.	Incorporated. See Para. 23.
After Para.22.	Para.27	Canada	Proposes adding the following “ <i>Although it is not yet known when commercial recovery of minerals from the Area will begin, it is important that ISA establishes a mechanism for equitable and non-discriminatory sharing of financial and other economic benefits for the current and future generations as required by the Convention well in advance of any commercial recovery. The Authority has already established a conceptual basis for equitable sharing and evaluated alternative allocation formulae for direct distribution and is also considering other options for distribution. The Authority now needs to develop a mechanism for sharing of benefits which advances the objectives of the Convention and maximises benefits for the categories of States identified under Article 140 and 82 (1) of the Convention</i> ”.	Incorporated.
Para.22	Para.26	PEW	Suggests that “ <i>workstream on benefit-sharing should focus instead on understanding the views of the Council and Assembly on this important component of the ISA’s regime, as well as other stakeholders, the wider public – and with specific focus on developing States, and self-determining peoples</i> ”.	See adjustment, Para.26.

Para.23- 24 bis	Para.29	Japan	Suggests that “ <i>since the timing of the commencement of commercial exploitation of deep seabed minerals is unpredictable at this stage and all organs and subsidiary bodies should be established cost-effectively in order to minimize costs to States parties in accordance with 1994 Agreement, continuous efforts should be made to scrutinize the needs and reduce costs for establishing and functioning the organs and subsidiary bodies</i> ”.	See adjustment in Para. 29
Para.26	Para.32, SD 1	Germany	Suggests that it “ <i>should include a specific reference to cooperating with intergovernmental bodies with a view to mutually recognising and strengthening environmental protection measures, including achieving multi-sector marine protected areas</i> ”.	See SD 1.2
Para.26	Para.32, SD 1	IFREMER	Suggest that it ‘ <i>should include a reference to the assessment of ISA related activities impact on carbon footprint.</i>	Proposal unclear.
Para.26	Para.32, SD 1	PEW	Suggests that it should include ‘ <i>a new SD for engagement with sponsoring States, whether individually or collectively, to inform the development of the overarching regulatory regime, and to avoid jurisdictional gaps or overlaps in controls and regulation</i> ’. Also welcomes the inclusion of a Strategic Direction focused on implementing existing rules, regulations and procedures for exploration, and ensuring contractor compliance under the 31 exploration contracts already issued, with monitoring and reporting on those contracts to member States and the public.	See SD 1.4.
Para.27	Para.33 SD 2.1	GSR/NORI	Suggests adding ‘ <i>in a timely manner</i> ’	See SD 2.1
Para.27	Para.33	PEW	Proposes a new SD 2.7 ‘ <i>focused on the ISA developing a precautionary approach, both procedurally and substantively, to decision-making on applications for plans of work</i> ’	Considering that the precautionary approach is part of the rules, regulations and procedures through which the Authority organizes and

				regulates activities in the Area, this suggestion seems to be redundant with the current language of SD 2.1, 2.2, 2.3, 2.4, 2.5, and 2.6.
Para.26	Para.32, SD 1.4	PEW	SD1.4: suggests replacing “promote” with “ensure”, or “monitor and enforce”.	Incorporated.
Para.27	Para.33, SD 2.1	GSR/NORI	Suggest adding “ <i>in a timely manner</i> ”.	Incorporated.
Para.27	Para.33, SD 2.1	NORI	Suggests adding “ <i>including in compliance with the obligation arising from the Republic of Nauru’s request for the adoption of exploitation rules, regulations and procedures in accordance with section 1(15)(a) of the 1994 Agreement.</i> ”	This is redundant with new Para.13.
Para.27	Para.33, SD 2.2	Canada	Suggests using “attract” as the terminology used in UNCLOS instead of “promote”. Also suggests elaborating on the concept of “level playing field” and best practices.	Incorporated.
Para.27	Para.33, SD 2.2	IFREMER	Recommends adding “ <i>to ensure effective protection for the marine environment from harmful effect</i> ” between ‘environmental management’ and ‘and are underpinned...’.	Incorporated.
Para.28	Para.34, SD 3	Canada	Proposes that a reference to binding environment thresholds that will be agreed upon and to effective stakeholders’ consultation.	See adjustment in SD 3.5 See adjustment under SD 3.3 and new SD 3.6
		IFREMER	Suggests that it ‘ <i>should also include a direction on the development of clear environmental policy, objectives as well as evaluation criteria and thresholds</i> ’	UNCLOS, the 1994 Agreement and the rules, regulations and procedures set out the general environmental policy.
		PEW	Suggests that it should also include a direction on ‘ <i>development and adoption of an environmental policy, that not only outlines how to apply the precautionary principle/approach but also assists to translate environmental obligations set forth in</i>	UNCLOS, the 1994 Agreement and the rules, regulations and procedures set out the general

			<p><i>UNCLOS into goals and actions at the ISA, and ensures that exploitation does not commence in the absence of the scientific data essential to evidence-based decision-making’.</i></p> <p>Also suggests the development and coordination of a targeted scientific research agenda for all regions where exploration is taking place</p>	environmental policy. See new SD 3.6.
Para.28	Para.34, SD 3	DSCC	<p><i>Suggests that it ‘should provide for the ISA Assembly to develop and adopt a General Policy for the effective protection of the marine environment ensuring that no regulations are adopted and no mining is permitted until there is comprehensive scientific understanding of deep-sea ecosystems, that it can be clearly demonstrated that the environment can be protected from harmful effects of deep-sea mining, and that damage to the flora and fauna of the marine environment can be prevented’.</i></p>	UNCLOS, the 1994 Agreement and the rules, regulations and procedures set out the general environmental policy.
Para.28	Para.34, SD 3.1	IFREMER	Suggest amending the wording to include the definition of environmental objectives, evaluation criteria and thresholds in the development of regional environmental assessments and management plans	See adjustment
Para.28	Para.34, SD 3.2	IFREMER	Suggest amending the wording to include the definition of environmental objectives, evaluation criteria and thresholds in the development of regional environmental assessments and management plans	These elements are an integrated part of the elements taken into consideration for the development of REMPS and therefore do not need to be spelled out.
		IFREMER	Suggests that <i>‘the scientific input from the scientific community could be made explicit in addition to the reference to participation by stakeholders’</i>	See adjustment
		IOM	Asks clarification on the use of 'as appropriate'?	See adjustment

Para.28	Para.34, SD 3.3	Canada	Suggests that there should be broad access to information, not just environmental information.	See adjustment
Para.28	Para.34, SD 3.4	IOM	Questions <i>'how can you develop monitoring programme / methodology to assess the potential risk? You rather assess the factual risk. Potential risk is rather to be anticipated and modelled than monitored'</i> .	See adjustment
Para.28	Para.34, SD 3.5	Germany	Suggests reference to <i>'the need to develop clear criteria for evaluating the adequacy of environmental baseline information, which is also a fundamental prerequisite for environmental impact assessments'</i> .	See edits in SD 3.4
Para.29	Para.35, SD.4	Canada	Suggests that a reference to gender priorities/initiatives should be mentioned in this part' Also suggests that this section could benefit from language related to 'unknowns and uncertainties' - as a way to show what science is still unknown and could be prioritized for future MSR.	See new SD 4.6 See edits in SD 4.1
Para.29	Para.35, SD.4	GSR	Suggests that this SD should better acknowledge the role of contractors, including as actors to be consulted.	See edits in SD 4.4
Para.29	Para.35, SD.4	DSCC	Suggests that this section should <i>'explicitly seek to identify and fill gaps in knowledge and understanding of the deep-sea environment, the potential impacts of mining, and the emerging alternatives to perpetual extractivism'</i> .	This is address in SD.4.1
Para.29	Para.35, SD.4	PEW	Suggest the absence of any reference to a Data management strategy.	This is embedded in SD 4.2 and could be further detailed at the level of the identification of relevant high-level action during the discussion that will be pertaining to the adoption of the associated High-Level Action plan for 2014-2028.

Para.29	Para.35, SD 4.3	PEW	Suggests adding text on the fact that <i>'ISA will engage with independent scientific partners on the development and delivery of this research agenda'</i>	This is addressed under SD 4.4
Para.30	Para.36, SD 5.2	PEW	Suggests contextualising the ISAPF	This will be further detailed at the level of the identification of relevant high-level action during the discussion that will be pertaining to the adoption of the associated High-Level Action plan for 2014-2028
Para.30	Para.36, SD 5.3	PEW	Considers the original language unclear	See edits in SD 5.3
Para.33	Para.39	PEW	Suggests that this para. requires more SMART language	This will be further detailed at the level of the identification of relevant high-level action during the discussion that will be pertaining to the adoption of the associated High-Level Action plan for 2014-2028.
Para.33	Para.39, SD 8.2	Canada	Suggests that the word "efficient" should be included in the first sentence. Intersessional working groups have produced an impressive amount of work and a reference to them should also be considered.	See adjustment .
Para.34	Para.40	Canada	Suggests addition	See Para. 36 SD9.2
Para.35	Para.41	GSR	Suggests that a paragraph should be added on the adoption of REMPs.	Already covered under other subparagraphs

Para.35	Para.41 (a)	NORI	Suggests amending as follows: <i>‘(a) A comprehensive legal framework for carrying out <u>exploration and exploitation activities in the Area for the benefit of mankind as a whole in a timely manner and in compliance with the requirements of the Convention and 1994 Agreement (Convention, art. 140 (1)), including necessary measures to ensure...’</u></i>	This seems redundant with current formulation.
Para.35	Para.41 (c)	Canada	Suggests addition to reflect language in Article 143 (2) of UNCLOS.	Incorporated. See Para. 41(c)
Para.35	Para.41 (c)	GSR	Believes it should read <i>‘the promotion and encouragement...’</i>	See adjustment
Para.35	Para.41 (e)	Canada	Suggests edits	Incorporated
Para.35	Para.41 (f)	Canada	Suggest using ‘meaningful’ to avoid repetition of ‘effective’.	Incorporated
Para.35	Para.41 (i)	Canada	Believes the reference should be made to rules, regulations and procedures	Incorporated
Para.35	Para.41 (j)	Canada	Believes an element of fairness with regards to land-based mining should be included in this paragraph or a separate one, based on the text of the Annex to the Agreement, section 8 (1) (b): ‘The rates of payments under the system shall be within the range of those prevailing in respect of land-based mining of the same or similar minerals in order to avoid giving deep seabed miners an artificial competitive advantage or imposing on them a competitive disadvantage’	See adjustment under para.41(b)(iv)
Para.35	Para.41 (k)	Japan	Would like to take further consideration on how the matters relating to the Enterprise should be addressed in the Strategic Plan	Comment noted