

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART III**

Informal Working Group on Inspection, Compliance and Enforcement

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:

Informal Working Group on Institutional Matters

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

China

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

Regulation 2 Principles, approaches and policies

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.

***Note: China’s amendments are in Blue**

2. Recognizing that the rights in the Resources of the Area are vested in humankind as a whole, on whose behalf the Authority shall act, Exploitation in the Area shall be carried out for peaceful purposes and for the benefit of humankind as a whole, taking into particular consideration the interests and needs of developing States, [and] while ensuring the effective protection of marine environment from harmful effects which may arise from such activities in the Area [consistent with Article 145 of the Convention] including [biological diversity and ecological integrity] [its flora and fauna]. *The Authority and States Parties shall have the responsibility to ensure a reasonable balance between exploration for and exploitation of the resources in the Area and protection of the marine environment.*

3. Exploitation in the Area shall not commence until the legal framework intended for the effective protection and preservation of the Marine Environment is adopted and scientific evidence demonstrates that the Exploitation will be conducted in such a manner as not to cause significant and harmful changes to the Marine Environment and its resources and to effectively protect and preserve the Marine Environment pursuant to article 145 and [article 209 of] Part XII of UNCLOS.]

[3 alt 1. Exploitation shall not be authorized in the Area unless, inter alia, phase one and two Standards and Guidelines are adopted, and effective protection of the Marine Environment from harmful effects can be ensured consistent with Article 145 of the

Convention [and including biological diversity and ecosystem integrity][and effective protection of human life in accordance with Article 146 of the Convention].

[3 alt 2. Exploitation in the Area shall not commence until:

(a) the legal framework intended for the effective protection and preservation of the Marine Environment has entered into force [and the Authority has adopted an environmental policy];

(b) the implementation of [Target 3 of] the Kunming-Montreal Global Biodiversity Framework is well on track in the area beyond national jurisdiction; and

(c) scientific evidence demonstrates that Exploitation will be conducted in such a manner so as: not to cause significant and harmful changes to the Marine Environment and its resources, to effectively protect and preserve the Marine Environment pursuant to article 145 and Part XII of UNCLOS [including biological diversity and ecosystem integrity], and not to impede the full implementation of [Target 3 of] the Kunming-Montreal Global Biodiversity Framework in the area beyond national jurisdiction.

5. These regulations shall be also applied in conformity with the policies relating to activities in the Area established in article 150 and 151 of the Convention and related principles contained in the Annex of the Agreement; as well as the environmental policy of the Authority.

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

Paragraph 2 is about the basic policies and principles of the Draft Regulations. The United Nations Convention on the Law of the Sea and the 1994 Implementation Agreement strike a balance in its regulation between exploitation of the resources in the Area and protection of the marine environment. Exploitation of the resources in the Area is an important measure for the Authority to promote the realization of the United Nations Sustainable Development Goals. The balance between exploitation and protection is conducive to the implementation of the principle of the common heritage of mankind, and the enhancement the knowledge of deep sea science, together with the promotion a higher level of environmental protection.

Regarding paragraph 3, China supports the original text. The original text is more objective and balanced. The protection of the marine environment does not mean ban or moratorium of exploitation of the resources in the Area, which is contrary to the

provisions of UNCLOS and the 1994 Agreement, and inconsistent with the principle of "common heritage of mankind".

Regarding paragraph 5, the meaning of "environmental policy" is vague. It is suggested to be clarified or deleted .