

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

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:**

**Institutional matters**

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

**Norway**

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

Regulation 2

**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. These regulations, and any decision-making thereunder, shall be applied in conformity with the principles governing the Area embodied in Section 2 of the Part XI ~~[and in Part XII]~~ of the Convention.

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]~~

~~[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.~~

4 alt. The following principles and approaches shall guide the application of these regulations:

- (a) Intergenerational equity.
- (b) Precautionary ~~principle or approach as appropriate.~~
- (c) Ecosystem ~~[based management]~~ approach.
- (d) Polluter pays principle.
- [(e) Open access to ~~[non-confidential]~~ data, ~~[and]~~ information and knowledge ~~including relating to the protection and preservation of the Marine Environment.~~
- (f) Transparency, ~~inclusivity~~ and accountability in decision-making[; ~~(vii)] including effective stakeholder involvement and public participation;~~
- (g) The use of Best Available Scientific Information;
- (h) The use of relevant traditional knowledge of Indigenous Peoples and local communities where available.

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.~~

~~{6. Members of the Authority, Sponsoring States, Contractors, and the Authority shall ensure public trust and regulatory integrity, and shall not engage on decisions in which they have a conflict of interest.}~~

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

Paragraph 1: It is not clear to us how the reference to Part XII fits in DR2, hereunder with the ref to the concrete principles in Section 2 of part XI which apply to the Area specifically.

Paragraph 2: Norway prefers avoiding lists of specific elements, as it risks precluding other important factors, and makes the text less legible.

Paragraph 3: Norway considers that these proposals include important questions that the Council is currently seized upon, but that are not fit to be regulated (and thereby fixed) in the regulations themselves. We propose deleting these here.

Paragraph 4 alt:

- b) Norway prefers “precautionary principle”
- e) and f) Norway supports the rationale behind these letters, but questions whether these elements are sufficiently covered elsewhere in the regulations so they can be deleted here to avoid duplication. We also question whether these considerations are in fact within the meaning of “principles and approaches” that the chapeau refers to.

Paragraph 5: It is unclear what “the environmental policy of the Authority refers to” and we suggest deleting it.

Paragraph 6: Norway considers it highly important that the Authority has public trust and regulatory integrity. However, it is unclear what situations this para refers to. Until this has been sufficiently clarified, we suggest deleting it here, but are open to assessing whether this aspect is sufficiently covered elsewhere.