

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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.

1. Name of Working Group:

Institutional Matters

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

The Pew Charitable Trusts

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

DR 2

Red text is in original draft; magenta text indicates Pew’s new textual proposals or support for a proposal from a range of options

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 **R**egulations, 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.

4 alt (e) Open access to ~~[non-confidential]~~ data, [and] information and knowledge ~~including relating to the protection and preservation of the Marine Environment.~~

[6. Members of the Authority, Sponsoring States, Contractors, and the Authority shall **use best endeavours in their actions to uphold ensure** public trust **in** and **the** regulatory integrity **of, the Authority**, 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]

We strongly support the retention of reference to Part XII of the Convention. Part XII contains important obligations for individual States Parties to UNCLOS including in maritime zones beyond national jurisdiction, and these do not cease to apply when you operate collectively as the Council or Assembly of the ISA. Part XII contains obligations that relate to international cooperation through competent international organisations, which are directly relevant to your work through the ISA. Article 209 specifically covers pollution from Activities in the Area. From this Article it is clear that the obligations in Part XII UNCLOS are not displaced by the specific regime established by Part XI of UNCLOS, but rather the RRP established by the ISA are intended to give effect to States’ obligations under Part XII. For all these reasons it is clear that Part XII contains important provisions that should be taken into account in these Regulations.

In 4 alt sub para (e), we would prefer reference to “access to data and information”, without any qualifiers. Para 4 alt lists principles that the regulations should be guided by, not creating specific obligations. It is therefore unnecessary to specify here what kind of data and information can or should be shared. That is covered adequately by draft Regulation 90.

We support the retention of para 6 as the Regulations should clearly set out obligations to avoid conflicts of interest in decision making. We suggest some minor drafting amendments, to avoid actors being asked to 'ensure' outcomes outside of their control. We consider it would be appropriate to re-phrase this obligation as being about the various actors using best endeavours in their own actions, to uphold public trust etc.