

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS FOR THE 29TH SESSION: COUNCIL -
PART II**

Informal Working Group - Environment

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council2022@isa.org.jm.

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

Submitted by the International Marine Minerals Society (IMMS)

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

DR44ter from the consolidated draft text (ISBA/29/C/CRP.1) dated 16 February 2024.

3. 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.

We suggest deleting this draft regulation in its entirety.

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

We see a number of issues with this proposed regulation, which was suggested by one delegation. We agree with the Facilitator’s note that it could be considered instead to regulate this in a policy, as the environmental goals and objectives are already handled in Regulation 13.

It is also worth reviewing the UK/GER/NL submission on streamlining the environmental regulations as environmental goals and objectives may be considered too detailed for regs and it might be more appropriate to incorporate them into REMPs and/or an environmental Standard can be developed.

HOWEVER, should there be support for DR 44 ter to remain, then we offer feedback on specific parts in separate submissions (please see attached).

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

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DR44ter 6. from the consolidated draft text (ISBA/29/C/CRP.1) dated 16 February 2024.

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~~DR 44 ter 6. The strategic-overarching Environmental Goals are to sustain is to maintain ecosystem integrity on a regional scale. marine (benthic and pelagic) ecosystem integrity, including the physical, chemical, geological and biological environment, and contributing to restoring ecosystem integrity.~~

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

The term "ecosystem integrity" encompasses the list provided in the original wording.

We suggest modifying this text to read:

"The overarching Environmental Goal is to maintain biodiversity and ecosystem health and function on a regional scale"

OR

"The overarching Environmental Goal is to maintain ecosystem integrity on a regional scale"

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DR44ter 7 (a). from the consolidated draft text (ISBA/29/C/CRP.1) dated 16 February 2024.

3. 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 44 ter 7. The Authority’s strategic Environmental Objectives are to:

(a) ~~Prevent loss of~~Maintain genetic diversity, species richness, habitat or community types, and structural complexity on a regional scale;

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

Rather than “prevent loss”, we would prefer to turn it around into a positive – e.g. “Maintain”.

It is also important to add the words “on a regional scale” at the end of the sentence. Loss of habitat will occur where mining directly occurs. Habitat will be lost locally, but it needs to exist / be maintained regionally.

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DR44ter 7 (b). from the consolidated draft text (ISBA/29/C/CRP.1) dated 16 February 2024.

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(b) ~~Maintain~~ Mitigate impacts to the ability of populations to replace themselves, including ensuring population connectivity and the preservation-conservation of suitable habitat;

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

While we agree this is important, we believe this will be demonstrated by establishing representative set aside areas.

It will likely be difficult to PROVE population connectivity (all eastern CCZ contractors and scientists are struggling with connectivity studies for baseline), but a number of efforts can be made to allow for / promote connectivity to the extent practicable – i.e., by establishing representative set aside areas.

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DR44ter 7 (c), (d), (e) and (f). from the consolidated draft text (ISBA/29/C/CRP.1) dated 16 February 2024.

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DR 44 ter 7.

- (c) ~~Prevent~~ Mitigate significant changes in the distribution, abundance or productivity or species of flora and fauna, as applicable;
- (d) ~~Prevent~~ Mitigate, to the extent this is reasonable, further jeopardy to endangered or threatened species or populations of said species, if applicable;
- (e) ~~Prevent the degradation of~~ Maintain ecosystem functions (e.g. the long-term natural productivity of habitats, elemental cycling, trophic relationships) on a regional scale;
- (f) ~~Prevent~~ Mitigate non-negligible risks of Contamination by pollutants, damage to flora and fauna, where applicable, or other harmful effects to ecosystem integrity on a regional scale during any phase of the mining process;

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

The word “Prevent” should be “Mitigate” and then the definition of Mitigate should include all the tiers of the mitigation hierarchy (including prevent/avoid).

Note: flora does not exist below 200 m water depth. Mentioning flora is applicable to surface/near-surface waters, but not the deep ocean. Thus, we’ve suggested adding “if applicable”, “as applicable” or “where applicable” in places.

For (d), it is unreasonable to expect contractors to be responsible for preventing (all) further jeopardy to endangered or threatened species or populations of said species globally – we have added “to the extent this is reasonable” (which is to mean “ to the extent that’s within the Authority’s/a contractor’s control”)

For (e), “on a regional scale” is needed.

Similarly, for (f), ecosystem integrity on a regional scale is what needs to be protected.

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DR44ter 7 (g). from the consolidated draft text (ISBA/29/C/CRP.1) dated 16 February 2024.

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~~(g) Prevent significant changes in the atmosphere, climate and weather patterns, the terrestrial environment, or the Marine Environment;~~

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

The “terrestrial environment” is out of scope with ISA's mandate. In addition, it is unreasonable to expect contractors to be responsible for preventing significant changes to climate and weather patterns.

Delete (g)

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~~(h) Maintain resilience to prevent regime shift, and to support recovery from cumulative impacts, including mining, that can affect source populations and communities, connectivity corridors, life history patterns and species distributions;~~

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

What is meant by “regime shift”?

The remainder of the text is already covered in other parts of DR 44 ter 7. (e.g. (a), (b), (c))

Delete DR 44 ter 7. (h)

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(i) Sustain ecosystem services, including carbon sequestration, recognizing that many are yet to be discovered;

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

Covered in other parts of DR 44 ter 7. (e.g. see suggested wording to maintain ecosystem health and function, which would include ecosystem services)

Delete DR 44 ter 7. (i)

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k) ~~Prevent~~ Mitigate non-negligible risks that will undermine to ensure the protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the Marine Environment;

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

The word “Prevent” should be “Mitigate” and then the definition of Mitigate should include all the tiers of the mitigation hierarchy (including prevent/avoid).

Note the wording “protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the Marine Environment” is a copy of Article 145 (b). (does it need to be repeated in regulations?)