

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29<sup>TH</sup> SESSION:  
COUNCIL - PART II**

*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(s) of Delegation(s) making the proposal:**

The Pew Charitable Trusts

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

Draft regulation 29ter

**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.**

1. Harm or danger of harm to people, the environment or material assets shall be prevented or limited in accordance with the Regulations and any applicable Standards, and taking into consideration Guidelines. TheA Contractor shall work to further reduce the risk of Incidents as much as reasonably practicable, to the point where the cost of further risk reduction would be grossly grossly disproportionate to the benefits of such reduction, in accordance with any relevant Standards and taking into account any relevant Guidelines.

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

Like Germany, we support the re-naming, re-positioning and slight re-framing of this DR29ter. Though we consider the first sentence of paragraph (1) and the first sentence of paragraph (2) both need re-drafting to allocate clearly the obligations contained to the Contractor. As currently drafted in the passive voice, it is unclear who is responsible for the prevention of harm, and for the review of risk reduction measures, respectively, which may render these paragraphs un-enforceable.

In paragraph (1) we are also unsure why ‘grossly’ has been deleted and without square brackets. We recall several Council member State delegations supporting the original text throughout the Council’s sessions in 2023. The only request for deletion that we can find is a submission from the private sector contractors, in which they suggest that such risk to life and the environment should be managed only as far as is ‘reasonably practicable’, which we consider incorrect. As reflected in the wording of Articles 145 and 146 of UNCLOS, reducing risk (to prevent harm to the environment and human life) is not a ‘cost benefit’ exercise. In support of this, we also note the trend in terrestrial mining to work to a standard of ‘zero harm’. This is accepted by major industry players and the ISA should expect the same standard from any actor, private sector or otherwise, who wishes to engage in activities in the Area.