

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH 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.

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 2

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.

Re-insert paragraph 2bis and 3

5. These Regulations shall be also applied in conformity with the policies relating to activities in the Area established in Articles 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*.

Re-insert paragraph 6.

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

We support re-introduction of 2bis as mentioned by Germany and Portugal at the March meeting.

We disagree with the wholesale deletion of all of paragraph (3) options, Paragraph (3) serves an important role to draw a red line, describing what building blocks of the ISA’s regime are prerequisites to Exploitation commencing. We consider it important to retain this, to operationalise the policy intent of Council, to manage expectations and to ensure a level playing field. We do not agree with the textbox that describes these as ‘policy discussions’ unsuited for Regulations. They are prerequisite conditions for Exploitation and as such require legal force, which comes from being included in the Regulations.

As mentioned by Belgium and others, the legal principle of systemic integration urges a multilateral forum and international law-making process such as the ISA to take account of pre-existing outcomes of other multilateral fora and international law processes, to avoid fragmentation and inconsistencies in treaties and their interpretations. We suggest that DR2 is a good opportunity for the ISA to consider how to ensure alignment with other commitments made by its membership in other fora. We also support Australia’s comment with regards to future proofing the regulations and look forward to seeing this proposal.

We support the comments made by the Netherlands with regards to the phasing of the Standards and Guidelines and if that language is not included in a council decision then it should be included in the regulations, presumably this regulation.

We note that the wording ‘as well as the environmental policy of the Authority’ has been deleted from Regulation 2, paragraph (5). We are unsure why this has been deleted. We note that an environmental policy for the ISA is

still referenced elsewhere in the Consolidated Regulations text. We consider its inclusion here in DR2 as important too, and support the proposed text presented by Portugal.

We also do not support deletion of paragraph (6). We do not agree with the text-box suggestion that upholding public trust and confidence in the ISA, and avoiding conflicts of interest, are policy discussions that do not belong in regulations. Unless these important principles are reflected in RRs of the ISA, then they are not effective or binding. Deep-seabed mining is unavoidably controversial. The ISA is supposed to work on behalf of all of humankind. We would encourage member States to take every step possible to improve the transparency and accountability of the ISA and its decision-making. Inclusion of paragraph (6) or similar wording seems important, as a statement of intent and a standard to which the institution can be held.