



Template for the review of the draft standards and guidelines associated with the draft regulations on exploitation of mineral resources in the Area

I. Background

1. The draft regulations on exploitation of mineral resources in the Area ([ISBA/25/C/WP.1](#)) require that certain issues are addressed in accordance with, or taking into account, standards and guidelines to be developed by the organs of the Authority. The standards will be adopted by the Council and will be legally binding on Contractors and the Authority, whereas the guidelines will be issued by the Legal and Technical Commission or the Secretary-General and will be recommendatory in nature.
2. Stakeholder consultation is an integral part of the process decided upon by the Commission for the development of the standards and guidelines ([ISBA/25/C/19/Add.1](#)).
3. The Legal and Technical Commission will consider the comments received through stakeholder consultation during its current session.
4. The drafts include a cover page containing background and contextual information on the approach taken by the Legal and Technical Commission in developing each standard and guidelines. Please note that stakeholder comments are not sought on this cover note.
5. Issues of format and consistency across the standards and guidelines will be reviewed by the secretariat and the Legal and Technical Commission once the content of the various standards and guidelines is finalized following stakeholder consultation.

II. Submitting Comments

6. To ensure that your comments are given due consideration, please send them by e-mail to ola@isa.org.im, at your earliest convenience but **no later than the date announced on the ISA website for the relevant draft standards and guidelines**.
7. When submitting comments, please adhere to the following guidance as much as possible:
 - a. Please provide all comments in writing and in an MS Word .doc or .docx format using the table provided below.
 - b. The table format allows for an unlimited number of comments to be added. To add more comments, you may add more rows.

- c. Please provide full contact information for the individual/Government/organization submitting the comments.
 - d. Please avoid commenting on issues related to format, grammar, spelling or punctuation, unless it affects the overall meaning of the text, as the document will be formatted and edited when the final draft is prepared by the Legal and Technical Commission.
 - e. To facilitate the revision process please be as specific as possible in your comments. In areas where you feel additional or alternative text or information is required, please suggest what this text may look like or what information should be included.
 - f. Text may be copied from the draft into the table if stakeholders wish to use "track changes" in editing text (this is encouraged to ensure accuracy and avoid numbering errors).
 - g. If you refer to additional sources of information, please include these with your comments when possible or provide a complete reference or hyperlink.
 - h. All review comments will be posted on the ISA website, unless otherwise requested by the submitting entity.
8. Should you have any questions regarding the review process, please contact ola@isa.org.jm.

III. Template for Comments

- 9. Please use the review template below when providing comments.
- 10. Line and page numbers have been provided in the drafts. Please use these as a reference as illustrated in the table below.

TEMPLATE FOR COMMENTS

<i>Document reviewed</i>	
Title of the draft being reviewed:	Draft Guidelines for the establishment of baseline environmental data
<i>Contact information</i>	
Surname:	Tone
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General Comments

The Kingdom of Tonga is of the view that Seabed Minerals Exploration and Exploitation is a new frontier. The nature of a new frontier industry is that it should be developed upon fundamental principles with the intention of (1) allowing the industry to grow to serve its purpose and (2) ensure protection and conservation of the environment where possible.

The Guideline showed lack of consistency with the level of details where some processes are very prescriptive and some aren't. Although the Guidelines are based on knowledge available today, it however needs to facilitate innovation through the contractors by incorporating the best available technology in order to comply with the demanded rules. The Kingdom of Tonga is hesitant that over prescription will reduce innovation and incorporation of new technology and knowledge into the sector.

A prescriptive guideline is a product of a well-documented scientific based history of actual events and well researched industry. No science have provided actual evidence of any impacts that is assumed in this guideline. Therefore to be overly prescriptive of such guidelines will lead to unnecessary complexity and irrelevant details. The intended results that ISA wishes to achieve in the end can be achieved without the current prescriptive details in this guideline.

The Kingdom of Tonga supports the principal goal as outlined in line 82-86 of paragraph 5, however it should be noted that some of the of the studies and processes under the Guideline is beyond what is required to attain the environmental baseline data necessary for an evaluation and the formulation of monitoring and management plans.

The Kingdom of Tonga deems Contractors is most appropriate to formulate Scoping Report and TOR based on the Guidelines in liaison with the LTC. This TOR and Scoping Report will establish the foundation of the environmental baseline studies that is necessary for the review of the application. This approach is adopted in national jurisdictions and circumvents the ambiguity of the content during the implementation of studies.

The Kingdom of Tonga notes the recommendatory nature of the Guidelines and seeks clarity on the role of the Recommendations (ISBA/25/LTC/6/Rev.1).

Several contractors have already developed scope of works based on the existing Recommendations (ISBA/25/LTC/6/Rev.1.) and inconsistencies is apparent between the existing Recommendations and the proposed Guidelines.

The Recommendations adopted in 2020 and used by contractors today are more precise, with less irregularities in the outline of the baseline data to be collected.

The Kingdom of Tonga suggest the Guidelines to comprise rationale on what should be included and why, and less prescriptive on how studies should be executed. It is for the Contractors to establish innovation in delivery of required activities, as demanded by the Authority, employing best practices and existing technology.

The Kingdom of Tonga recognizes the role of the Authority to facilitate the need in this new frontier to allow innovative growth of the Contractors therefore avoid potential confusion in adopting Guidelines that are offsets from existing Recommendations. It is not logical nor fair to demand contractors with already plans of work and have implemented to change their programs to fit a New Guideline after all the resources utilized to establish the current.

The Kingdom of Tonga puts forward that the Guidelines are revised to the existing Recommendations.

The Kingdom of Tonga proposes that the Guidelines requirements apply to programs of work designed after it is passed by the ISA.

Specific Comments

Page	Line	Comment

Additional rows can be added to this table by selecting "Table" followed by "insert" and "rows below"

Comments should be sent by e-mail to ola@isa.org.im