



**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 Standard and Guidelines for environmental impact assessment process
<i>Contact information</i>	
Surname:	Tone
Given Name:	Viliami Va'inga
Government (if applicable):	Tonga
Organization (if applicable):	Permanent Mission of the Kingdom of Tonga to the United Nations
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General Comments

The Kingdom of Tonga noted throughout the document the terms “restore/rehabilitate” are used. It is noted that these are generic terms in environmental impact assessment documents. Whilst these terms may be applicable when referring to on land practices, it is yet to be proven that it will apply in the deep-sea environment. The abyssal plains in the CCZ are a desert underwater. How does one rehabilitate or restore a desert? After skimming the nodules on top of this desert formation, it is left with a nodule less surface formation. It should also be noted that the nodules, SMS and Cobalt Rich Crusts are on the seabed surface at thousands of meters deep. Organisms that lived on it are not feeding on it rather hiding on it. Thus, once your hiding place is removed the occupying organisms will move to another habitat. In addition, any species in the deep are in the abundance more than human population given the space in the deep available for occupation. The Guidelines states in line 1073, “rehabilitation options may be helpful”. In paragraph 91, it also references the uncertainty and feasibility.

However, the Kingdom of Tonga regards that the establishment of Preservation Reference Zones within Contractor blocks, and the establishment of Areas of Particular Interest is sufficed as a form of rehabilitation and restoration, as they were designed to ensure representative nodule habitats remain intact. Therefore, this is the most practical approach.

The use of terms “restore and rehabilitate” is therefore not applicable in the deep-sea environment and therefore should not be used within the Standard and Guidelines.

With reference to the “scoping report process” that it does not require submission to the LTC for review and comment. It should be noted that it is important that the Legal and Technical Commission review and provide comments on all Contractor’s scoping reports. This will maintain transparency and ensure scoping report addresses the requirements and meets the expectations of the stakeholders.

A timeframe of 120 days is suggested for LTC reviews and comments on Scoping Reports.

The document acknowledges that thresholds to define “Serious Harm” will be developed over time as additional scientific knowledge and environmental knowledge increases. It is important that when new definition is adopted, it should be effective from the date of adoption and not retroactive to any dates prior.

Specific Comments

Page	Line	Comment
4	160	See general comments above suggesting removing “restore/rehabilitate”
31-32	1062-1075	See general comments above suggesting removing Section 4. Rehabilitate or Restore.

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.jm