

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL - PART III**

*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 of Working Group:**

Open Ended Working Group on the protection and preservation of the marine environment

**2. Name(s) of Delegation(s) making the proposal:**

Chile

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

Part IV

Section 1

Regulation 44: General obligations. Paragraph 1 (iii)

**4. 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.**

(iii) ~~Integrate~~Ensure Best Available Scientific [Evidence information], [traditional and indigenous knowledge] in decision-making, including all risk assessments and management undertaken in connection with environmental assessments, acknowledging knowledge gaps, [and uncertainties] and the management and response measures taken under or in accordance with Best Environmental Practices;

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

Chile believes it should be made clear that the utilization of *Best Available Scientific [Evidence information], [traditional and indigenous knowledge]* in decision-making is mandatory, in order to guarantee an informed decision-making process.

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(iii) Integrate Best Available ~~Scientific [Evidence information]~~ Science [Best Available Scientific Information], [traditional and indigenous knowledge] in decision-making, including all risk assessments and management undertaken in connection with environmental assessments, acknowledging knowledge gaps, [and uncertainties] and the management and response measures taken under or in accordance with Best Environmental Practices;

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

Chile believes it should be used a consistent denomination for science throughout the draft, which could be, alternatively, *Best Available Science* or *Best Available Scientific Information*, according current denominations in literature.

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Part IV  
Regulation 44 General Obligations

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(e) Take into account the ~~principle~~approach that the polluter should, [in principle], bear the cost of pollution, endeavour to promote practices whereby those engaged in exploitation activities bear the cost of meeting the pollution prevention and control requirements for the authorized activities, having due regard to the public interest.

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

Chile reaffirms that *polluter pays* is a principle and not an approach.

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(e) Take into account the approach that the polluter should, ~~[in principle]~~, bear the cost of pollution, endeavour to promote practices whereby those engaged in exploitation activities bear the cost of meeting the pollution prevention and control requirements for the authorized activities, having due regard to the public interest.

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

Chile believes that the polluter must always bear the cost of pollution, and that principle couldn't be minimized using the proposed “[in principle]” expression.