

## **General comments on Institutional Matters**

Institutional matters involve not only the structure and functions of the different organs of ISA, but also the principles, general policies and application procedures of the Draft Exploitation Regulations. China believes that the regulations on institutional matters should, on the whole, adhere to the institutional framework established by the United Nations Convention on the Law of the Sea (UNCLOS) and Agreement relating to the implementation of Part XI of UNCLOS (1994 Agreement), and correctly address the functions and divisions of the Council, the Legal and Technical Commission and the Secretary-General.

On the principle of the Draft Exploitation Regulations, China supports the simplification of the provisions.

Regarding the rights of coastal States, Article 142 of UNCLOS "the rights and legitimate interests of coastal States", should be taken as the basis. it should be noted that Article 142 of UNCLOS provides the basis of the rights and obligations of coastal States. Paragraph 1 of Article 142, referring to the consideration of "the rights and legitimate interests of the coastal State", refers only to cases where "activities in the Area with respect to resource deposits in the Area which lie across the limits

of national jurisdiction". Paragraph 2's requirement for "prior notification of the coastal State" was also limited to the case in paragraph 1. Neither of the preceding two paragraphs deals directly with environmental protection matters. Paragraph 3 provides the environmental protection matters, but provides only for the right of the coastal State to take the necessary measures for environmental protection, and did not provide for notification of or consultation with the coastal State on environmental protection matters.

About the exploitation work plan application and approval procedures. The competence of the Secretary-General in that procedure should be determined in accordance with UNCLOS. In accordance with article 166 of UNCLOS, the Secretary-General is the administrative head of ISA and shall perform functions in that capacity, as well as other administrative functions entrusted to him by the Assembly and the Council. This shows that the functions of the Secretary-General are administrative. The relevant powers and functions of ISA shall be reserved for the Assembly and the Council.