

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29<sup>TH</sup> 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.fm](mailto:council@isa.org.fm).*

- 1. Name(s) of Delegation(s) making the proposal:** Federated States of Micronesia
  
- 2. Please indicate the relevant provision to which the textual proposal refers.**

Draft exploitation regulation 44(1) and 44(1)(c)

- 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.**

1. The Authority, Sponsoring States, the Enterprise, Contractors, flag [port States] [and the States of registry of or having authority over installations, structures, robots, and other devices] [where they are members of the Authority] shall take necessary measures to ensure effective Protection of the Marine Environment from harmful effects which may arise [directly or indirectly] from Exploitation in the Area, in accordance with Regulations as well as applicable Standards and the relevant Regional Environmental Management Plan, taking into consideration Guidelines referred to in Regulation 45, ~~and the relevant Regional Environmental Management Plan~~ and to this end shall, as applicable in their respective areas of competence:

...

[(c) Apply scientific-based approach and integrate Best Available Scientific Information and, [where available, relevant traditional knowledge of Indigenous Peoples and of local communities] in decision-making

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

The FSM proposes to clarify that the necessary measures referenced in the chapeau of paragraph 1 are taken in accordance with not just the Regulations and applicable Standards, but also the relevant REMP. Merely taking the relevant REMP into consideration, similar to Guidelines, would be inconsistent with the prevailing view that a REMP must be in place before an application for a Plan of Work for the area covered by the REMP can be considered/approved by the ISA.

The FSM also proposes to revise sub-paragraph c of the same paragraph 1 to include a comma, similar to how a comma is placed in similar text elsewhere in the

consolidated draft text when referring to traditional knowledge alongside science. We also propose to insert the word “of” before “local communities,” in order to distinguish the traditional knowledge of Indigenous Peoples on the one hand from the traditional knowledge of local communities on the other hand. This is the approach taken by, e.g., the most recent UNGA resolution on oceans and the law of the sea – specifically, A/RES/78/69 – whose ninth preambular paragraph says the following: “Guided by the use of, where available, the relevant traditional knowledge of Indigenous Peoples and of local communities in the conservation and sustainable use of the ocean and its resources”.