

Version: 15 June 2026

Friends of the President (FoP) Group on Draft Regulation 44ter
“Environmental Goal and Objectives”

Report on the Intersessional Period March – June 2026

Germany facilitated the Friends of the President (FoP) Group during the intersessional period after the 1st Part of the 31st Session of the Council in March 2026, including two online meetings on 19 May 2026 with a total of about 50 participants.

The text of Draft Regulation 44ter below contains amendments by the ISA screenwriters as a result of the deliberations at Council during the March Session as well as subsequent amendments suggested during the intersessional period.

It contains bracketed language where divergent views remain and reflects compromises where such accommodations proved possible. It does not incorporate every comment received, nor does it constitute agreement by all members of the group. Rather, it represents our best effort to capture, to the greatest extent feasible, the views expressed by delegations.

All potential amendments to the text that were suggested during the intersessional period after the March Session of the Council are shown in track-changes.

Placement of the environmental goal and objectives

During the intersessional meetings, the group discussed, amongst others, what information should be placed in DR 44ter as opposed to inclusion in a Standard.

Several delegations prefer keeping all information in DR 44ter, with some expressing a strong preference, or noting that an environmental policy would be additional, rather than a replacement of DR 44ter.

Two delegations prefer keeping most information in DR 44ter but moving bracketed details in paragraph 4 into a Standard, to ensure the Goal and Objectives are set out in the Regulations whereas the details in a Standard can be more readily updated, in line with the [hierarchy criteria](#) developed by the IWG Stakeholder Consultation.

Two delegations prefer having a brief DR 44ter while moving the Strategic Environmental Goal and Objectives themselves into a Standard, whereas another delegation is still considering the options.

Two delegations prefer moving the content of DR 44ter into a non-binding environmental policy to ensure it applies to the Authority’s work overall, with one being open to keeping paragraphs 1 and 2 in DR 44ter while placing other information in a policy document rather than a Standard. Some delegations express reservations about moving information out of DR 44ter, noting that the future of an environmental policy is uncertain.

The group also discussed the suggestion to include a provision noting that paragraphs 3 and 4 would apply only on an interim basis until the ISA adopts a general environmental policy. However, as there was no support for this, it is not reflected in the draft of DR 44ter.

[Regulation 44 ter] (RUS, CHN, ZAF on behalf of AFR, NAU, SGP del)

[Strategic (ITA)] Environmental Goal and Objectives

1. [In performing their roles and obligations [under the Convention, the Agreement, and all relevant rules, regulations and procedures of the Authority,] (CRI, GBR, SGP, keep) (NOR del) [under these Regulations] (NOR, GBR, SGP, keep) [in relation to exploitation] (NOR keep) Contractors, the Enterprise, the Authority and its organs, and Sponsoring States shall be guided by [, and implement and act consistently with,] (ITA, SGP del) the Strategic Environmental Goal and Objectives, set out in this regulation.--] (CAN keep)
2. The Strategic Environmental Goal and Objectives in this regulation contribute to [Alt provide guidance for] (SGP, NLD) ensuring the Effective Protection [Alt, effective protection] (GBR) for the Marine Environment from harmful effects that may arise from activities in the Area, in accordance with article 145 of the Convention.

Three delegations support this paragraph but prefer to not define the term “effective protection”. The Schedule currently contains the following definition.

Effective protection “*means achieving the Authority’s Strategic Environmental Goal and Objectives pursuant to regulation 44ter, the regional environmental objectives, environmental thresholds and the requirements of regulation 13, paragraph 9.*”

3. The Strategic Environmental Goal is to conserve and sustain Ecosystem Integrity of the Marine Environment.

Ecological balance: One observer previously suggested including “ecological balance” in paragraph 3 based on language from Art. 145 of the Convention, with another delegation being open to it. One delegation is still studying the proposal but agrees that ecosystem integrity may be too narrow. Several other delegations prefer referring to ecosystem integrity.

The Facilitator notes that the Standardised Procedure for REMPs (ISBA/30/C/21) includes the protection and conservation of ecosystem integrity as an environmental goal of REMPs. Numerous other instruments refer to ecosystem integrity, including the Fish Stocks Agreement, BBNJ Agreement, and the Rio Declaration.

Abiotic components: Two observers suggest including abiotic components in the Strategic Environmental Goal as “ecosystem” is much narrower in scope than the “marine environment” protected under UNCLOS.

One delegation is open to it. Several delegations suggested including it in the definition of “Ecosystem Integrity” instead, which is now reflected in the Schedule definition below.

The Facilitator notes that the current definition of Marine Environment expressly includes abiotic components of the environment, including “*physical, chemical, oceanographic, geological ... components, conditions and factors ...*”.

4. The Strategic Environmental Objectives are to:
 - (a) prevent loss of biological diversity, [including but not limited to genetic, species or functional diversity, habitat or community types, and structural complexity];
 - (b) maintain the ability of populations to replenish themselves, [including but not limited to ensuring population connectivity and the preservation of suitable habitat];

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(c) prevent ~~significant~~ (FRA del) ~~any discernible~~ (FRA) changes in the distribution, abundance, behaviour or productivity of species;

~~(d) [Alt 1. prevent further risk to] [Alt 2. protect] (-, CRI keep) [Alt.3 prevent further deterioration of] (-, CRI keep) endangered or threatened species or populations of said species, including those for which the conservation status is unknown;~~

(d) Protect and prevent further risk to endangered or threatened species or populations of said species, including those for which the conservation status is unknown, (ITA, FRA, SGP);

Divergent opinions were discussed regarding various options for sub-paragraph (d), with (d)Alt (of the previous version of the working document) receiving most support, which is now presented as the only option.

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(e) prevent the degradation of ecosystem functions and ecosystem services ~~including but not limited to carbon sequestration~~, (FSM keep) (SGP del) [recognising that many ecosystem services are yet to be discovered];

(e) [Alt. Sustain ecosystem functions and prevent the degradation of ecosystem services, recognising that many ecosystem services are yet to be discovered.] (GBR, NLD)

The Alt. version is proposed by a delegation with the explanation that the word 'sustain' reflects a level of natural variability, whereas 'degradation' implies that there is an optimum level of functioning, which ascribes value to that functioning. Two delegations prefer to delete "[including but not limited to carbon sequestration]" as this could imply a hierarchy of ecosystem services.

One delegation sees it as important to include "included but not limited to" in sub-paragraphs 4 (a), (b), and (e) to clarify that the examples are non-exhaustive.

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~~(f) prevent contamination by pollutants, damage to species, or other harmful effects to the Marine Environment [including the coastline] (FSM) during all stages of Exploitation and Closure (NLD del); (ESP, CRI, ITA, GBR, FRA keep)~~

(f) [Alt.1 Prevent contamination by pollutants, and reduce the risk of harmful effects of pollution on the Marine Environment;] (GBR, NLD)

(f) [Alt.2 Prevent, reduce and control pollution and other hazards to the marine environment, with particular attention being paid to the need for protection from harmful effects of such activities as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of installations, pipelines and other devices related to such activities;] (SGP)

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Several delegations prefer the original sub-paragraph (f). No delegation supported the previous Alt.1, which is now deleted. One delegation prefers to reference the coastline. Another delegation prefers to include “*during any phase of the mining process*”, though some questions were raised about the meaning of the “mining process”.

Hence the Facilitator suggested alternative wording, using defined terms: “*during all stages of Exploitation and Closure*”.

One delegation proposes the new (f) Alt.2, which closely aligns with wording in Art. 145(a) to replace sub-paragraphs (f) and (k).

- (g) prevent, reduce and mitigate adverse effects on air and water quality as well as significant changes ~~in~~ the atmosphere, climate and weather patterns, the terrestrial environment, or ~~(SGP, NLD, del) [to] (SGP, NLD)~~ the Marine Environment ~~[from harmful effects that may arise from activities in the Area] (SGP)~~;
- (h) maintain resilience to prevent regime shift and to support recovery from Environmental Effects, including Cumulative Environmental Effects, ~~[including but not limited to those resulting from mining and climate change] (SGP, NLD, del)~~, that can affect source populations and communities, connectivity corridors, life-history patterns and species distributions ~~] (GBR move to Standard)~~;
- (i) protect and conserve the natural resources of the Area and prevent ~~],~~ reduce and mitigate ~~] (SGP del)~~ damage to the species of the Marine Environment;

All delegations who voiced a preference prefer (i) Alt, as set out in a previous version of the working document which is now presented as the main provision.

One delegation suggests replacing “*species*” with “*flora and fauna*” as per Art. 145. Previous discussions in 2025 indicated a preference for implementing the wording in Art. 145, by referring to “*species*” as opposed to “*flora and fauna*”, as species can include microbial and other life forms.

- (j) prevent degradation of special biological, scientific, archaeological, or historical significance of the Area or the Marine Environment. This shall include the preservation of vulnerable and unique marine ecosystems;

~~(i) [Alt. protect and preserve rare or fragile marine ecosystems; and] (SGP)~~

~~[(k) prevent harmful effects except mentioned (BGD) from 4(a) to 4(i) (BGD) [drilling, dredging, excavation, disposal of waste, construction and operation or maintenance~~

One delegation proposes sub-paragraph (j)Alt with the following explanation:

1. Archaeological and historical characteristics as referred to in (j) are not covered by the definition of the marine environment.
2. The language “*prevent degradation*” in (j) is repetitive and should be deleted.
3. The language in (j)Alt more closely tracks UNCLOS, particularly “*rare or fragile*” from Art 194(5) instead of “*vulnerable and unique*”.

One delegation suggests retaining both versions of sub-paragraph (j).

The Facilitator notes that “*vulnerable marine ecosystems*” is a term included in the Exploration Regulations.

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of installations, pipelines or other devices related to activities in the Area] ~~(BGD del)~~ (GBR, SGP del)

Several delegations suggested deleting sub-paragraph (k) with one delegation proposing to replace it with paragraph (f)Alt.2.

(l) [placeholder for an environmental objective related to the mitigation hierarchy] (GBR)

One delegation suggests adding an environmental obligation which could set out the Authority's overall ambition to either accept some loss from mining activity, or aim for no net loss, or net gain. This relates to ongoing parallel discussions on the application of the mitigation hierarchy across the regulations.

5. ~~The Council shall ensure that the Strategic Environmental Goal and Objectives pursuant to this regulation are operationalized through region-specific environmental objectives [and measures], including in Regional Environmental Management Plans.]~~ ~~(CHN, SGP del)~~ ~~(FRA keep paragraph 5 or Alt. for merging paragraphs 5 and 6)~~

6. [The Council shall ensure that the Strategic Environmental Goal and Objectives pursuant to this regulation and the region-specific environmental objectives pursuant to paragraph 5 are further operationalised through environmental thresholds, developed pursuant to regulation 45, paragraph 2 and regulation 94.] ~~(ITA proposes merging paragraphs 5 and 6)~~ ~~(SGP, del)~~

~~Alt. to paragraphs 5 and 6: [The Council shall ensure that the Strategic Environmental Goal and Objectives established pursuant to this regulation are operationalized in a progressive and integrated manner through region-specific environmental objectives [and measures], including as set out in Regional Environmental Management Plans; and environmental thresholds], developed in accordance with regulation 45, paragraph 2, and regulation 94, which give effect to, and provide measurable parameters for, both the Strategic Environmental Goal and Objectives and the corresponding region-specific environmental objectives] (NLD del).] (FRA, ESP keep)~~

Two delegations suggest merging paragraphs 5 and 6, which is now provided in the Alt. version. One delegation is content with the merged version but prefers deleting the last part, which is now in brackets.

One delegation suggests a discussion on how the Strategic Environmental Goal and Objectives should be operationalised and linked to the Authority's other environmental management measures. Ordinarily, strategic environmental goals and objectives are high-level so as to remain reasonably constant, whereas region-specific goals and objectives and targets, indicators, and/or thresholds translate the strategic goal and objectives into operational and SMART (specific, measurable, achievable, relevant, and time-bound) measures. Delegates may wish to discuss how to link the Authority's environmental management measures, which will inform paragraphs 5 and 6 as well as questions about periodic review of the Strategic Environmental Goal and Objectives (DR 44ter (8)).

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Schedule:

“Ecosystem Integrity”	<p>[means the ability of an ecosystem to support and maintain ecological processes and a diverse community of organisms. It is measured as the degree to which a diverse community of native organisms is maintained, and is used as a proxy for ecological resilience, intended as the capacity of an ecosystem to adapt in the face of stressors, while maintaining the functions of interest.]</p> <p><u>Alt: means the state or condition of an ecosystem, assessed by reference to its original state or an appropriate reference condition within the range of natural variation, in which its composition, structure and functions are maintained, restored or enhanced, such that the ecosystem retains its characteristic biodiversity and ecological processes as well as its capacity to deliver ecosystem services and recover from disturbance. It also includes the integrity of physical, chemical and geological characteristics and processes that underpin ocean systems, including ocean-atmosphere interactions.</u></p>
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Five delegations prefer working on the basis of the alternative definition, whereas one delegation voiced support for the previous definition, which is now crossed out. The new definition is adapted from a definition suggested by the CBD Co-Chairs of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework (see <https://www.biodiversitya-z.org/content/ecosystem-integrity> and <https://www.cbd.int/doc/c/c3ab/388d/950ddc02586468a814120acf/wg2020-05-04-en.pdf>). The previous definition discussed in this Friends of the President Group was taken from the IPBES. The key differences of the new definition are:

- it described integrity as a status rather than an ability;
- it references the original state and natural variability;
- it includes biodiversity, ecosystem functions, ecosystem structure, and the capacity to recover;
- it now includes a reference to ecosystem services at the request of two delegations; and
- it includes a reference to abiotic factors, as suggested by several delegations.

One delegation reserves its position and suggests waiting for more guidance from the CBD on the concept of ecosystem integrity. One observer suggests independent scientists draft a definition of Ecosystem Integrity for review by the Council.