

**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:**

Informal Working Group – ICE.

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

Republic of Nauru

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

Regulation 99(1)(d)

**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.**

[(d) An ~~[written]~~ instruction requiring a suspension in some or all exploitation activities for a specific period ~~upon written authorization from the Council, as its representative]~~

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

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**6. Name of Working Group:**

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

Republic of Nauru

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

Regulation 99(3)

**9. 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.**

~~[3. Any instruction issued under paragraph 1 above shall be in force until the Contractor has [executed] [complied with] the instruction and fulfilled all requirements. Upon receiving information from the Contractor about steps taken to implement the instruction, [the inspectorate] [Compliance Committee] shall decide, as soon as possible and within no more than three Days, whether the instruction has been complied with by the Contractor. The [inspector] [inspectorate] shall report immediately to the [Secretary General and to the Contractor’s sponsoring State or States and to coastal States adjacent to the contract area] [Compliance Committee] [the Commission] [the Council] that an instruction has been issued under paragraph 1, and where the issue remains unresolved, the [Inspectorate] [Council] [Compliance Committee] may thereafter exercise its powers conferred upon it under regulation 103.]~~

~~[3.Alt. An instruction issued under paragraph 1 must either be confirmed, revised or set aside by the Inspector General as soon as practicable.]~~

[3.Alt.bis An instruction shall be for a specified period not exceeding seven days. The Chief Inspector General may extend such period by an additional seven days.]

~~[3.Alt.ter An instruction shall specify the information to be provided to the Inspector by the Contractor to demonstrate the steps being taken to implement the instruction within the specified time.]~~

[3.[Alt.quater] septies An instruction is effective from the time fixed by the Inspector and remains in force [until] unless set aside by the [Inspector General] Compliance Committee or until the Inspector's instructions have been complied with within the specified period or the instruction lapses at the end of the specified period.]

~~[3.Alt.sexies The Inspector General shall report immediately to the Secretary General, the Commission, the Council and to the Contractor's sponsoring State or States and, if appropriate, the relevant coastal State or States and the flag State that an instruction has been issued under paragraph 1. The Council may request further information as to the facts and circumstances giving rise to the issue of an instruction under paragraph 1 for its consideration.]~~

[3[.Alt.septies] octies. Within three days of the expiry of the specified period or any extension thereto under paragraph [3bis] 2 the ~~[Inspector General]~~ Chief Inspector shall ~~[determine]~~ assess whether the instruction has been complied with by the Contractor and shall report immediately to the Compliance Committee. Subject to paragraph 3 [octies] nonies, where a Contractor has failed to comply with a written instruction or the circumstances giving rise to the instruction remain unresolved, the ~~[Inspector General]~~ Compliance Committee ~~[shall]~~ may thereafter exercise the powers conferred upon ~~[the Inspector General]~~ it under regulation 103.]

[3.[Alt.octies] nonies In the case of a written instruction issued under paragraph 1(d), where the circumstances giving rise to a suspension in some or all ~~[mining]~~ exploitation activities are not resolved or are unlikely to be resolved, the ~~[Inspector General]~~ Compliance Committee shall, following consultation with the Contractor notify the Council immediately together with any recommendation as to whether such suspension should continue. The Council shall decide if the suspension should continue, including the placing of conditions on any recommencement of activities, taking into account any recommendations of the ~~Commission~~ Committee.]

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

Paragraph 3 is too cumbersome in its drafting.

3Alt is now superseded by 3Alt quarter.

3Alt ter is already covered in paragraph 2 quarter.

3 Alt sexies is covered by paragraph 2bis.

3Alt octies should cover consultation with the Contractor before making recommendations to the Council.