

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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.

1. Name of Working Group:

IWG: Institutional Matters

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 106

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.

Delegates are requested to consider whether the regulations should provide mechanisms for administrative review procedures for decisions of the Authority (in addition to the more formal dispute resolution procedures in UNCLOS). This may, for example, provide for procedures that can be more efficient than a referral to ITLOS, and may provide more comprehensive grounds for review and/or legal standing in certain circumstances to parties other than Contractors and States.

Delegates are also invited to discussed whether the regulations should include a requirement to attempt alternative dispute settlement, rather than requiring immediate recourse to ITLOS.

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

We consider the co-facilitators proposal worthy of further discussion.

An administrative review mechanism was presented in the First Working Draft of the regulations and Standard Contract Terms on Exploitation for Mineral Resources in the Area (February 2016) at regulation 57. A subsequent review mechanism was presented in the August 2017 Draft Regulations on Exploitation of Mineral Resources in the Area at regulation at regulation 92. Some member State were concerned that the review mechanism could undermine the finely crafted dispute resolution mechanisms in the Convention. Consequently, the provision was removed in subsequent drafts.

The matter should be considered again and the specific subject matters to be covered by such a mechanism identified. These could include for example technical or scientific “disputes” arising in connection with the assessment of an environmental impact statement where the matter could be referred to a panel of experts.

We welcome the views of other delegations and would be happy to work with other delegations to provide suggested text for consideration.