

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS
DURING THE 29TH SESSION: COUNCIL - PART I**

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:

President's text

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

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

Draft Regulation 31(1bis.)

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.

Regulation 31 [President's Text]

Reasonable regard for other activities and infrastructure in the Marine Environment

1. bis Each Contractor shall exercise due diligence to ensure that it does not cause damage to known submarine cables or pipelines or interfere with other activities in the Contract Area or surrounding Marine Environment. In particular, the Contractor shall:

(a) Comply with the measures it agreed with the operators undertaking other [activities in the Contract Area and of submarine cables and pipelines] to reduce the risk of damage to any in-service cables and pipelines;

(a) bis Identify current and planned uses or activities in the Marine Environment transiting, overlapping, or proximate to the Contract Area through publicly available data and resources and any other reasonable means, including but not limited to marine scientific research, submarine cables or pipelines, fishing, navigation, activities related to marine genetic resources, and environmental protection measures and area-based management tools established or proposed by competent international organizations;

(a) ter Coordinate directly with the responsible organisations for, or operators of, these activities in the Marine Environment in order to reduce the risk of interference and damage to any structure or the Marine Environment; and

(b) ~~Ensure~~ Attempt to, to the extent possible, negotiate with the organisations responsible for, users of, or operators of, submarine cables or pipelines, recognized sea lanes, or areas of intense fishing activities with the aim of ~~that any activities it conducts will~~ finding mutually acceptable solutions to minimise interference as between such activities and the Contractor's activities in the Area ~~not interfere with the route of a~~

~~planned submarine cable or pipeline, recognized sea lanes essential to international navigation, or areas of intense fishing activity.~~

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

- We do not agree with the one-sided wording currently presented in subparagraph 1bis(b) putting all the responsibility on Contractors to ensure that the Exploitation Activities do not interfere with other uses of the high seas and the Area.
- We consider that it will be fair and reasonable to provide the requirement for Contractors and operators of other activities and responsible organisations to try and negotiate and to come to a mutually acceptable solution that minimizes the impact of their activities on both sides. We have proposed the wording to reflect our position above.
- This proposal supports and is consistent with UNCLOS' recognition of the rights granted under Part XI, in particular Article 87 (providing that exercise of the freedoms of the high seas shall be conducted "*with due regard for the rights under this Convention with respect to activities in the Area*") and Article 147 (providing that activities in the Area "*shall be carried out with reasonable regard for other activities in the marine environment.*").

**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:

President's Text

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd., and Blue Minerals Jamaica Ltd.

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

Draft Regulation 31(3)

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.

Regulation 31 [*President's Text*]

Reasonable regard for other activities and infrastructure in the Marine Environment

3. The Authority and member States shall, in accordance with Articles 87 and 147 of the Convention, ensure that other activities in the marine environment are conducted with reasonable regard for activities in the Area and with due regard for the rights of Contractors and Sponsoring States under the Convention. This includes member States ensuring that ships flying their flag are not used to, and their natural and juridical persons do not, interfere with or undermine the rights granted to or operations of Contractors.

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

- We propose a new Regulation 31(3) to reflect the requirements under Articles 87 and 147 of the Convention on the protection of activities in the Area and the associated rights of Contractors and Sponsoring States.
- Article 87 of the Convention provides that exercise of the freedoms of the high seas shall be conducted "*with due regard for the rights under this Convention with respect to activities in the Area*", while Article 147 provides that activities in the Area "*shall be carried out with reasonable regard for other activities in the marine environment.*"
- These are important obligations upon all Member States under UNCLOS and should be reflected in the Draft Regulations, just as the requirements on Contractors to respect other users of the Marine Environment are reflected.