

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH 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.jm.

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

Center for Polar and Deep Ocean Development, Shanghai Jiao Tong University

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

Regulation 4 Rights and legitimate interests of coastal States

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.

***Note: Amendments are in Blue**

7. In the case of harmful effects to the Marine Environment within any national jurisdiction resulting from the activities of the Contractor, or in the case of Exploitation of resources lying within national jurisdiction without the relevant State’s consent, the Contractor shall be ~~strictly~~ liable for any response and clean-up costs, and for any damage that cannot be fully contained, mitigated or repaired, [and the Authority shall require the Contractor to pay compensation, proportionally to the damage caused] [and taking into account any compensation already claimed against the Contractor in national proceedings brought in accordance with Article 235 of the Convention].

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

UNCLOS does not impose strict liability on the Contractor, and therefore the provision of “strict liability” herein is not consistent with UNCLOS.