

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH 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(s) of Delegation(s) making the proposal:

The Kingdom of the Netherlands

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

Draft Regulation 106 – amendments are made in tracked changes and highlighted yellow in the below.

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.

Settlement of disputes

1. Disputes concerning the interpretation or application of these Regulations and an Exploitation Contract shall be settled in accordance with section 5 of Part XI[Part XV and Annex 6 of the Convention. ~~and the rules of procedure adopted by the International Tribunal for the Law of the Sea for the conduct of expedited hearings concerning the Rules of the Authority.]~~
~~1. bis Nothing in this Regulation shall prejudice the ability of the Authority or a Sponsoring State to act pursuant to Section 3 of Part XI of these Regulations.~~
2. ~~In accordance with article 21 (2) of annex III to the Convention, A~~any final decision rendered by a court or tribunal having jurisdiction under the Convention ~~and the r~~Rules, ~~regulations and procedures~~ of the Authority] relating to the rights and obligations of the Authority and of the Contractor shall be enforceable in the territory of ~~any] each~~ State party to the Convention ~~affected thereby.~~

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

- Paragraph 1: Articles 187 and 188 UNCLOS envisage disputes can also be settled outside ITLOS. The deleted phrase unduly restricted the dispute resolution mechanism under UNCLOS.
- Paragraph 1bis: This provision is unduly broad and not appropriate in a dispute settlement provision. It moreover suggests the UNCLOS regime is composed of a hierarchy where Section 3 of Part XI of these Regulations would trump any other provisions of these Regulations and UNCLOS itself. This is not the case.
- Paragraph 2: the inclusion of the phrase “affected thereby” is inconsistent with the Annexes to UNCLOS.