

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH 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.im.

1. Name of Working Group:

Committee of the Whole (President's Text)

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

International Cable Protection Committee ("ICPC")

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

Regulation 31.1

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.

1. Contractors shall, ~~consistent with~~ ~~any the~~ relevant Guidelines, carry out exploitation under an exploitation contract with reasonable regard for other activities in the Marine Environment, [including but not limited to submarine cables and pipelines in the Contract Area, fishing activities and other activities], in accordance with articles ~~87 and~~ 147 of the Convention and the approved Environmental Management and Monitoring Plan, [Regional Environmental Management Plan] and Closure Plan ~~and any applicable international rules and standards established by competent international organizations~~. In particular, each Contractor shall show ~~exercise [due diligence]~~ ~~reasonable regard~~ to ensure that it does not ~~cause~~ damage to submarine cables or pipelines ~~in the Contract Area] [or structures deriving from other marine uses] [should carry out Exploitation activities with reasonable regard to submarine cables and or pipelines so as to avoid destroying or damaging them]~~.

~~**1-alt. Contractors shall, consistent with the relevant Guidelines, carry out Exploitation under an exploitation contract with reasonable regard for other activities in the Marine Environment in accordance with article 147 of the Convention and the approved Environmental Management and Monitoring Plan and Closure Plan and any applicable international rules and standards**~~

established by competent international organizations, and relevant national laws and regulations of Sponsoring States and flag States.

1 alt bis. Each Contractor shall exercise due diligence to ensure that it does not cause damage to submarine cables or pipelines in the Contract Area. In particular, the Contractor shall:

- (a) comply with the measures identified in the approved Plan of Work it agreed with the operators of the submarine cables and pipelines to reduce the risk of damage to any in-service cables and pipelines ~~(such as an easement, or a mining exclusion zone within a reasonable radius)~~; and
- (b) ensure that any actions it takes will not interfere with the route of a planned submarine cable or pipeline.

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

ICPC prefers the text in paragraph 1(alt.)(bis) as set forth in the President's Text, ISBA/27/C/WOW/CRP.1. If paragraph 1 is adopted, it should be streamlined, with a clarification of terminology to make the text consistent with the Convention. ICPC does not support the proposed text in paragraph 1(alt.), which is insufficiently specific to address a known infrastructure protection issue in the Area.

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Regulation 31.2

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To further the due and reasonable regard obligations in Articles 87 and 147 in the Convention, the Authority, in conjunction with member States, shall ~~endeavour to coordinate, including with other global, regional and sectoral bodies~~ take measures ~~[in an effort] [to ensure] [underscores that Article 147 of the Convention further provides]~~ that other activities in the Marine Environment shall be conducted with reasonable regard for the activities of Contractors in the Area [which includes but not limited to the Authority's facilitation of the coordination between two parties at early stages. For this reason, the Authority shall promote, inter alia, effective and facilitate early-stage ~~consultations~~ coordination between the Contractors and the proponents of the other activities in the Area marine environment].

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

ICPC does not support the proposed options in paragraph 2 as set forth in the President's Text, ISBA/27/C/WOW/CRP.1, as the Convention does not grant the Authority jurisdiction over other activities in the marine environment, unless they constitute "activities in the Area" as defined in Article 1(3) of the Convention. At most, the Authority, in conjunction with Member States, should be facilitating

coordination to give meaning to due and reasonable regard obligations in the Convention.