

**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:

Informal Working Group – Inspection, Compliance and Enforcement

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 105 ter

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 105 ter \[IWG ICE\]](#)

[Other member States](#)

[Without prejudice to their obligations under Article 153\(4\), Part XI and Annex III of the Convention, member States shall, in particular, take all necessary and appropriate measures available to them to ensure that their natural and juridical persons, and ships flying their flags, do not prevent or impair Contractors from effectively complying with and performing their obligations, and enjoying their rights, under Part XI of the Convention, the Agreement, rules, regulations and procedures of the Authority and the terms and conditions of the Exploitation Contract.](#)

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

- We propose a new Regulation 105 ter, to follow Regulation 105 on Sponsoring States, to make clear that all member States must exercise jurisdiction and control over their natural and juridical persons (including their flagged ships) to prevent interference with Contractor rights.
- Member States have a variety of obligations in the Convention to refrain from infringing on Contractor rights (under Part XI, the Agreement, the Authority’s rules, regulations and procedures and the terms and conditions of the Exploitation Contract). This includes the “*due regard*” principles contained in Articles 87 and 147 of the Convention.
- Member States also, as a matter of international law, exercise jurisdiction and control over their natural and juridical persons operating in the Area, including ships flying the flag of that member State.

- Therefore, member States are best positioned to ensure the rights of Contractors operating in their Contract Area are protected from interference by persons and entities under that State's jurisdiction and control.
- Regulation 105 ter does not impose a new or different obligation on member States. Rather, it simply clarifies the member States' responsibilities in the Area based on the Convention and applicable international law.