

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH 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 18(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 18 [*President's Text*]

Rights and exclusivity under an Exploitation Contract

[...]

3. Notwithstanding the right to conduct marine scientific research in areas beyond national jurisdiction, the Authority, in consultation with a Contractor, and with the cooperation of States Parties to the Convention, shall ensure, that no other entity operates in the Contract Area:

(a) for a different category of Resources; or

(b) for any other activity or purpose in the marine environment, or otherwise in a manner, which might interfere with the rights granted to, or operations of the Contractor.

3 Alt. The Authority, with the cooperation of States Parties to the Convention, shall ensure, to the extent possible, that no other entities operating in the Contract Area interfere with the rights granted to or operations of the Contractor.

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

- Considering past interference with authorised activities of Contractors operating in the Contract Area, the negative impact of such interference on Contractors' rights and the recent debate on these topics during the Council's 29th Session, we reiterate our earlier proposal for a new Regulation 18(3) Alt specifying that the Authority shall ensure that no other entities operate in the Contract Area in a manner that interferes with the Contractor's rights or operations.

- 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.*").
- While Draft Regulation 18(3) currently applies in relation to operations regarding resources, a broader provision is needed. There are a variety of other uses that can be made of the Area, and a variety of activities that can be conducted in the Area. A broader provision is also fair and reasonable given that Contractors are subject to a range of obligations under the Regulations to account for and accommodate other activities in the Area.
- Regulation 18(3) Alt will guarantee that the Regulations adequately protect the rights and operations of Contractors working in their Contract Area from outside interference, no matter the stated grounds of such interference.
- Regulation 18(3) Alt provides necessary additional support for a regulatory area that is currently unsettled and clarifies the Authority's responsibility to effectuate protection of the Contractor's rights and operations "*to the extent possible*", whatever the reasons for the interference by other entities.
- Alternatively, we propose amendments to the current Regulation 18(3), designed to incorporate the same level of clarity and protection.