

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> 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](mailto: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 31(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 31** [*President's Text*]

**Reasonable regard for other activities and infrastructure in the Marine Environment**

3. The Authority and member States shall, in accordance with Articles 87 and 147 of the Convention, ensure that other activities in the marine environment are conducted with reasonable regard for activities in the Area and with due regard for the rights of Contractors and Sponsoring States under the Convention. This includes member States ensuring that ships flying their flag are not used to, and their natural and juridical persons do not, interfere with or undermine the rights granted to or operations of Contractors.

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

- We propose a new Regulation 31(3) to reflect the requirements under Articles 87 and 147 of the Convention on the protection of activities in the Area and the associated rights of Contractors and Sponsoring States.
- Article 87 of the Convention provides 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*", while Article 147 provides that activities in the Area "*shall be carried out with reasonable regard for other activities in the marine environment.*"
- These are important obligations upon all Member States under UNCLOS and should be reflected in the Draft Regulations, just as the requirements on Contractors to respect other users of the Marine Environment are reflected.