

Tonga Intervention – Draft Regulation 29 bis
Suspension of Exploitation Activities by Order of the Authority

Thank you, Mr. President,

Tonga appreciates the inclusion of safeguards to address situations where suspension of activities may be necessary. However, we would like to express some concerns regarding the scope and procedural implications of Draft Regulation 29 bis.

We note that the current formulation appears to apply broadly to all suspensions of exploitation activities, including those undertaken voluntarily by Contractors for commercial, technical, or environmental reasons. In our view, such voluntary suspensions should not trigger the procedures under this regulation. Involvement of the Authority, and in particular of the Council, should be limited to suspensions that are specifically ordered by the Authority for regulatory or compliance reasons.

We therefore support narrowing the scope of this regulation to make clear that it applies only where a suspension has been ordered by the Authority. This would avoid unnecessary delay, administrative complexity, and uncertainty for Contractors, especially those sponsored by developing States such as Tonga.

We also recommend that the grounds on which the Authority may order suspension be more clearly specified in paragraph 2 — limited to instances where there is a material breach of the Contractor's obligations under its Exploitation Contract or where suspension is strictly necessary to prevent Serious Harm to the Marine Environment.

Further, with respect to paragraph 8, we are concerned about the potential for disproportionate interference by the Council in ordering the recommencement of activities. Contractors must retain operational flexibility to resume activities when they are ready and in compliance, provided that the suspension was not regulatory in nature.

Mr. President, ensuring clarity in the scope and triggers for regulatory intervention is essential to provide legal certainty and protect the economic interests of Contractors and Sponsoring States. Tonga supports an approach that is fair, efficient, and proportionate — and we look forward to continued discussions on this important regulation.

Thank you.