

THE PEW CHARITABLE TRUST'S COMMENTARY

***ON THE REVISED CONSOLIDATED TEXT: DRAFT REGULATIONS ON  
EXPLOITATION OF MINERAL RESOURCES IN THE AREA,  
DATED 29 NOVEMBER 2024 (ISBA/30/C/CRP.1)***

Key

**Black font, red font,** and grey text-boxes are replicated from the Draft Regulations text.

**Blue font** represents commentary or edits proposed by The Pew Charitable Trusts.

**Regulation 105**

**Sponsoring States**

Without prejudice to Regulations 5, 6 and 21, and to the generality of their obligations under Articles 139 (2) and 153 (4) of the Convention and Article 4 (4) of Annex III to the Convention, States sponsoring Contractors shall, in particular, take **[all necessary and appropriate]** measures to secure effective compliance by Contractors whom they have sponsored in accordance with Part XI of the Convention, the Agreement, rules, regulations and procedures of the Authority and the terms and conditions of the Exploitation Contract.

UNCLOS Annex III Article 4 gives the ISA a duty to set *criteria and procedures for implementation of the sponsorship requirements*” via its RRP. DR105 does not achieve this. We note there is currently significant disparity between approaches taken by different sponsoring States. We wonder if Council may wish to be more specific about what the ‘*necessary and appropriate*’ measures can or must include, to promote harmonisation and minimum standards across sponsoring States.

We also recall several States in the past asking for the Council to identify and address outstanding issues pertaining to **how ISA’s regime (and particularly ICE measures) will interact with the sponsoring States’ domestic regimes**. We are not confident the current Consolidated Regulations progress this issue.