

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH SESSION: COUNCIL - PARTS I

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(s) of Delegation(s) making the proposal:

Republic of Nauru

2. Please indicate the relevant provision to which the textual proposal refers.

Regulation 41

3. 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.

1. The Contractor shall notify the Secretary-General within 30 days ~~[30-Days]~~ ~~[immediately]~~ if it finds, within its Contract Area, Resources other than the Resource category to which the Exploitation Contract relates. The Secretary-General shall inform the Council about such notification during the next ~~[regular-session]~~ [available meeting] of the Council. ~~[This notification shall include a detailed description of the resources found].~~

2. ~~At.~~ ~~[The]~~ Any Exploration for and ~~E~~xploitation of ~~R~~esources referred to in paragraph 1 of this Regulation shall be the subject of a separate application to the Authority.

~~[3. The application must include a detailed exploration and exploitation plan, an Environmental Impact Assessment, compliant with all relevant Regulations, and Standards, a timetable for the proposed activities.]~~

~~[4. Until the separate application is approved, the Contractor shall take necessary measures to avoid any exploitation of the newly discovered resources. Any interim exploration activities must be non-intrusive and comply with environmental protection standards.]~~

[3. A Contractor that finds the Resources referred to in paragraph 1 of this regulation shall have a preference and a priority among applicants submitting plans of work for the Exploration or Exploitation of such Resources.]

Comment

It has been suggested by some delegations to set out the details of the application and interim measures in new paragraphs 3 and 4. Other delegations suggest refraining from that since the requirements of such application already will be governed by other parts of the Regulations.

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

We support the suggestion in the comment that paragraphs 3 and 4 are not necessary. Any application to undertake activities with respect to any other resource categories will be subject to the usual requirements under the regulations.

We would though propose amendments to paragraph 1 so that the contractor has up to 30 days to notify the Secretary-General of any finds of other resources, as it may be practically

challenging to provide an “immediate” notification when discovery of other resources is made during exploitation activities.

We also propose a new paragraph 3 to grant the contractor a priority right to apply for the exploration and exploitation of any new resource categories that it discovers in its contract area.
