

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30<sup>TH</sup> 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](mailto: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 6

**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.**

[2 bis. For the purposes of issuance of a certificate of sponsorship, the State of nationality means the State under whose law the corporation was incorporated. However, when the corporation is controlled by nationals of another State or States and has no substantial business activities in the State of incorporation, and the seat of management and the financial control of the corporation are both located in another State, that State shall be regarded as the State of nationality.]

3. Each certificate of sponsorship shall be duly signed on behalf of the State by which it is submitted, and shall contain: [...]

(b) The name of the Sponsoring State ~~or States~~;

(c) A statement ~~[accompanied by supporting evidence such as a passport, citizenship certificate, certificate of incorporation or other evidence of registration or nationality]~~ that the applicant is:

(i) A national of the Sponsoring State; or

(ii) Subject to the Effective Control of the Sponsoring State or its nationals.

(d) A statement by the Sponsoring State that it sponsors the applicant ~~[together with a [] description of the necessary and appropriate measures taken by the State to secure effective compliance pursuant to Article 139(2) of the Convention, and to ensure legal recourse for compensation in accordance with Article 235 (2) of the Convention;~~

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

Paragraph 2 bis introduces additional detailed requirements for sponsorship that are not found within UNCLOS. We do not consider that this is necessary and remain concerned that this may disadvantage developing States from being able to benefit from sponsoring contractors if privilege is given to their operations in other States. We propose removing paragraph (2 bis). That said, we note the continued discussion of this matter in the informal working group on effective control.

For paragraph 3, where an applicant has multiple Sponsoring States, each State should provide their own Certificate of Sponsorship. As such, sub-paragraph (b) should not refer to multiple “States”. This would better allow for the different domestic approaches to issuing such certificates.

In relation to sub-paragraph (c) of paragraph 3, we agree with the proposal to remove the examples of required evidence and consider that a statement by the Sponsoring State regarding the applicant’s qualification for sponsorship should suffice.

In relation to sub-paragraph (d), we consider that the requirement relating to any description regarding State measures to secure compliance would be better located in draft regulation 7 relating to the form and content of applications for a Plan of Work.

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