

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART 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 of Working Group:

Informal Working Group on Inspection, Compliance and Enforcement

2. Name(s) of Delegation(s) making the proposal:

The Pew Charitable Trusts

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

DR 101bis

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.

1. The [Compliance Committee] shall develop and [Ombudsperson] shall implement:
- 2.

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

General comment: We welcome the insertion of this new provision to establish the opportunity for third parties to provide information and complaints to the ISA in relation to activities in the Area, and the conduct of contractors as well as ISA personnel. We think such a policy is fundamental to an international organisation like the ISA. Like the UK, we would welcome clarity as to whether the ISA as an institution has any plans on a broader provision on whistle blowing to be applicable to the institution as a whole - but in the meantime, would strongly support this be at least included as a first step in the exploitation regulations. We would also warmly welcome a decision of the Council to direct the Secretariat or LTC to implement a broader policy now, and once this has been adopted, this could then be removed from the regulations.

In relation to relevant responsibilities outlined in 101bis, it would not seem appropriate to have LTC members as the entity in receipt of the complaints, given that (a) staff of the ISA do not report to the LTC, and (b) if the complaint is related to actions or decisions taken by the LTC. We suggest that appointment of an independent Ombudsperson would be a constructive approach here. Or the role could be performed by the President of the Council or Assembly, operating in accordance with policy and procedures that ensure independence of enquiry and appropriate anonymity or protection of the complaint.