

**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.

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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. An Inspector may, for the purposes of monitoring or enforcing compliance with the Rules of the Authority and the terms of the exploitation contract:...

(f) Seize ~~any~~ document, article, substance or any part or sample of such for examination or analysis that the Inspector may reasonably require;

(g) Remove ~~any~~ representative samples or copies of assays of such samples from any vessel or equipment used for or in connection with the Exploitation activities ~~[that the Inspector may reasonably require];~~...

(h).bis. ~~issue a~~ "do not disturb notice", in writing, in order to allow the further inspection, examination or measurement of, or the conducting of tests concerning, any vessel, installation, equipment or facilities used in connection with activities in the Area.]...

3. Before an Inspector may seize any document under paragraph 1(f) above, the Contractor may copy it.

4. When an Inspector seizes or removes any item under this regulation, the Inspector shall issue a receipt for that item to the Contractor....

6. An Inspector shall be bound by strict confidentiality provisions and must have no conflicts of interest in respect of all duties undertaken and shall conduct his or her duties in accordance with the Authority's code of conduct for Inspectors and inspections ~~[approved by the Council].~~

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

We support the reinstatement of paragraphs (3) and (4) as well as paras 1(f) and 1(g) which are bracketed in this version. Original documents or samples may be required for evidentiary purposes in national proceedings. In addition, samples may need to be seized for additional testing, such as checking metal content that is claimed for royalty purposes or to test environmental samples. It is therefore important for the ISA to retain maximum (reasonable) powers.

Regarding para 6, while we support the intent behind the provision - we wonder what the "strict confidentiality provisions" being referred to here can be found. Alternatively, is the para meant to bind Inspectors to keep information confidential? If so, we suggest re-drafting to make this clearer. Wording used in UNCLOS for members of the LTC and Finance Committee could be used here, which would state:

- (6) Inspectors shall have no financial interest in any activity relating to exploration and exploitation in the Area. They shall not disclose, even after the termination of their functions, any industrial secret, proprietary data or other confidential information coming to their knowledge by reason of their duties under these Regulations.