

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH SESSION:
COUNCIL - PART II**

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:

The Pew Charitable Trusts

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

DR 102 bis

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. All Installations, ships and mining collectors engaged in Exploitation activities under the Exploitation Contract shall be fitted with an electronic monitoring system, which shall record, where technically feasible in real time, inter alia, the date, time and position of all Exploitation activities, and environmental data. The details and frequency of reporting shall be in accordance with the Standards and taking into consideration Guidelines.
2. The Installations, ships and mining collectors shall be fitted with a satellite tracking system to enable identification of each ship and determination of its position, navigation status, course and speed. The detail and frequency of reporting shall be in accordance with the Standards and taking into consideration Guidelines.
- ~~3. The Compliance Committee shall issue a compliance notice under Regulation 103 to a Contractor, where there is reasonable evidence to suggest based on the data transmitted to the Authority that unapproved Exploitation activities have occurred or are occurring~~

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

We agree with the proposal to relocate environmental monitoring aspects out of this regulation – as this is a different type of data, used for a different purpose, compared to vessel tracking to identify the location in which mining is taking place. We are not sure that this overlap has been wholly dealt with however, as paragraph (1) still seems to conflate data about equipment positioning, and environmental monitoring data.

We would suggest moving paragraph (1) to DR49 on Environmental Monitoring. It would be helpful also to clarify the inter-relation with the Contractor Environmental Management System (DR 51), and to be more precise with the drafting for example we are not clear whether one electronic monitoring system for a whole operation would comply with the regulation, or whether every installation, ship and mining collector is required to have their own e-monitoring system?

Paragraph (2) could be supplemented with a requirement that the satellite tracking system must be turned on and always transmitting. The second reference to ‘ship’ in the paragraph also seems to exclude installations and collectors, which we do not think is the intention. We would like to propose that satellite data from Exploitation contractors should be made publicly available.

Paragraph (3) can be deleted, as unapproved Exploitation activities are already a breach of the regulations and the Contract, triggering DR103, without it needing to be separately prescribed here. We are unsure whether paragraph (4) is necessary also, as sponsoring States can place their own reporting requirements upon their Contractors via national laws and measures.

Another potential application of remote monitoring technology could be to report on quantity of resource lifted to the vessel and transported to barges (similar to the smart weighing system at-sea used in fisheries). This would seem a useful addition, particularly in terms of verifying royalty returns. High quality real-time video monitoring (e.g. via CCTV) on the ship would also seem a useful source of information with regards monitoring daily operations and other aspects.