

**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.

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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. A Contractor shall not make any gift or reward to any officials, agents or employees or ~~Contractors~~contractors or subcontractors of the Authority or other individuals operating under the auspices of the Authority to induce or reward such persons for any acts undertaken in accordance with their duties under these Regulations.

(1)(bis) Any act in contravention of paragraph (1) shall be deemed a serious and wilful violation of a fundamental term of these Regulations and the Exploitation Contract, and the Secretary-General upon becoming aware of any such act or relevant allegation, shall refer the information immediately to the Compliance Committee for their consideration, including possible action pursuant to regulation 103, and shall notify the Sponsoring State – save for in the event that the Compliance Committee is implicated in the act or allegation, in which case the Secretary-General shall refer the matter to the Ombudsperson.

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

We consider the second use of the word ‘Contractors’ in paragraph (1) should not be capitalized, if the intention is to refer to persons contracted to perform duties for the ISA e.g. consultants, or short-term staff, and not other ISA ‘Contractors’ (performing Exploration or Exploitation).

We support the intervention made by the African Group in the July 2024 Council session that it would be helpful, to emphasize the seriousness of this provision, and to add another paragraph to describe the consequences of violation. We are proposing language in a new paragraph (1)(bis).

We note there is a risk of conflict of interest, if the Compliance Committee is required to review a complaint related to itself or one of its members. We recommend the introduction of an Ombudsperson for the ISA, to enable an independent means of first-recourse for complaints that relate to organs of the ISA to be investigated and resolved. The Ombudsperson can then be referenced in this DR.