

**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 97

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. The Compliance Committee shall make recommendations, to the Council on the appointment, supervision and direction of Inspectors included in the Roster of Inspectors, and on an inspection programme and schedule for the Authority in accordance with any applicable Standards and taking into account any applicable Guidelines, **and the Compliance Strategy.**

4. The Inspectors ~~shall be independent in the fulfilment of their tasks and~~ shall comply with the Inspector Code of Conduct.

~~5. The Authority will cooperate with the Sponsoring State or State to ensure that inspections performed by Inspectors are aligned with enforcement at the national level. Inspectors shall report to the Compliance Committee in writing regarding any difficulties relating to the enforcement of the measures.~~

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

At the end of paragraph (2), we would suggest inserting reference to recommendations on the inspection programme also being in accordance with a Compliance Strategy (which we suggest the Compliance Committee should be tasked to develop and maintain, in DR102).

While we welcome the intention behind paragraph (4), we suggest editing it further, as above. This is because the use of the word ‘independent’ here is unclear. We presume it relates to the Inspectors being uninfluenced by financial benefits from Exploitation, or from other obligations arising out of being part of another organ of the ISA. But DR97(bis)(3) already covers this (by adopting UNCLOS wording: ‘Inspectors shall have no financial interest in any activity relating to exploration and exploitation in the Area.’).

We agree that the previous drafting of paragraph (5) was flawed, but we believe the intention behind it was for the ISA to maximise the usefulness of its Inspectors’ evidence-gathering for use at the national State level is important and should be captured either in this regulation, Compliance Strategy or inspection rules of procedures. If the Inspectors’ reports or other evidence collected by Inspectors from the ISA are not admissible in evidence in the sponsoring State’s court system, then this would be an obstacle to effective enforcement and therefore the entire regime.