

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART I**

Informal Working Group - Inspection, Compliance, and Enforcement

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete.

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

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.

Note: Council amendments are in **Red and Pew comments are in **Blue**.

Regulation 97 Inspectors: ~~general~~ Appointment and supervision

1. The Council, based on the recommendations of the Commission, shall determine the relevant qualifications and experience appropriate to the areas of duty of an Inspector under this Part [~~save in situations where the Secretary-General shall direct an inspection of the Contractor's activities in accordance with regulation 4(5). Based on the specified qualifications and experiences, a roster of candidates for Inspectors, including the members of the Commission as provided in article 165(3) of the Convention, shall be made by the Secretariat.~~]
2. The Commission shall make recommendations to the Council on the appointment, supervision and direction of Inspectors, and on an inspection programme and schedule, under the inspection mechanism established by the Council in regulation 96(1), **and in accordance with relevant Standards.**
3. [The Secretary-General] shall manage and administer such inspection programme, including the terms and conditions of the appointment of Inspectors **and a training programme to ensure quality and currency of Inspectors' expertise,** at the direction of the Council.

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

Regarding paragraph 1 and 2, these provisions will depend upon the ISA's policy decisions about how the inspectorate will be constituted. A roster has been proposed (by Japan). There may be a need for periodic inspection teams working less frequently (e.g. reviewing monitoring reports, conducting on-board inspection visits), as well as a permanent staff of inspectors. Such staff may report to the Secretary-General or may report directly to the LTC or the Council. Monitoring of environmental impacts, might be a role not for inspectors, but for a scientific body with a different reporting line. See: Pew / Resolve 20919 Inspectorate Workshop report (copy here). Standards detailing requirements for inspector selection and management would also seem sensible, to assist the LTC, Council and Secretariat in the roles required of them by DR97.

Regarding paragraph 3, several participants at the July 2019 Pew / Resolve workshop about an ISA Inspectorate were concerned about the need to ensure the independence of the Inspectorate and to avoid conflicts of interest among inspectors, or political interference; and noted that UNCLOS describes the Secretariat as an administrative function, and does not confer any inspectorate duties or function upon the staff of the Secretariat.

Hence there was not agreement between all parties that the Secretary-General should be responsible for the inspection programme. Another option proposed was for a standalone Inspectorate managed by its own Director-General, as a subsidiary organ accountable to the Council and supported by the Secretariat. (Copy of workshop report: [here](#))