

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

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 and send to council2022@isa.org.jm.

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

UK

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

Regulation 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.

Regulation 97

~~1ter Each Member of the Authority may, subject to the requirements of this regulation, designate its nationals as Inspectors for inclusion in the roster.~~

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 the Standards and taking into account the Guidelines.~~

Alt 2.

~~2. The Council, based on the recommendations of the Commission, shall appoint, supervise and direct the Inspectors, and adopt an inspection programme and schedule, under the inspection mechanism established by the Council in regulation 96(1).~~

3. The Secretary-General shall manage and administer such inspection programme, ~~including the terms and conditions of~~ the appointment of Inspectors at the direction of the Council.

Alt 1

4. The Inspectors shall be independent in the fulfilment of their tasks.

~~5. The Inspectors shall exercise such control over activities in the Area as is necessary for the purpose of securing compliance with the relevant provisions of Part XI of the Convention, the Annexes relating thereto, and the rules, regulations and procedures of the Authority, and the plans approved under Regulation 15. Sponsoring States shall assist the Authority by~~

~~taking all measures necessary to ensure such compliance in accordance with Article 139 of the Convention.~~

6. Without prejudice to their enforcement under international law, measures adopted by the Inspectors shall be effectively enforceable by Sponsoring States in their national legal orders. Inspectors shall report to the [Secretary-General] in writing any difficulties relating to the enforcement of their measures under national law.

Alt 2

4. The Secretary-General shall maintain and update the roster of Inspectors.

5. The roster of Inspectors shall be made publicly available on the Authority's website.

6. The Secretary-General shall provide the Commission and the Council with a copy of the current roster of Inspectors on an annual basis. The Commission shall make any recommendations to the Council on the adequacy of the roster in terms of necessary qualifications, experience and training in the light of the proposed inspection programme.

7. Inspectors may be required to undertake relevant training programmes at the request of the Council, based on the recommendations of the Commission.

8. The Council may, for reasonable cause, remove an Inspector from the roster, based on the recommendations of the Commission or on the recommendations of the Secretary-General under regulation 101(2).

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

Click or tap here to enter text.

Para 1 ter – The UK regards it is not appropriate for the designation of Inspectors to be a matter for Members of the Authority. The UK believes it should be a transparent appointment process based on the provisions of the Regulations and the criteria adopted by the Council.

Para 2 – The UK has a preference for the original drafting and not for Alt 2 as it would make the Inspectorate a political issue.

Para 4/5/6 – The UK regards that Alts 1 and 2 are not mutually exclusive and should be merged together.

Para 5 Alt 1 - The UK agrees that the Inspectors should undertake their tasks without interference, but they cannot exercise control over activities as they are under the oversight of the ISA.