

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

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 of Working Group:

Inspection, Compliance and Enforcement

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

The Pew Charitable Trusts

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

Draft Regulation 98

4. 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.

The facilitators’ proposed amendments are reflected in **red**.

Our proposed amendments and our questions or comments regarding the facilitator’s remarks are indicated as in-line edits in **blue**. Where we propose deletions of the facilitator’s text this is shown **in strikethrough and bold**.

~~(1)(i)~~**1bis**. Upon written authorization from the Council, **an Inspector may** perform any other prescribed function of the Authority **[as its representative]**.

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

DR98(1) confines Inspectors only to perform functions for the purposes of monitoring or enforcing compliance with the ISA rules. While that seems sensible at first glance, we recall a workshop in 2019 held by Pew and Resolve in Kingston, specifically on the topic of the ISA Inspectorate. At that Workshop participants suggested that the ISA may also wish to deploy Inspectors for functions additional to the monitoring of compliance, for example:

- to monitor the overall state of the environment, or unforeseen environmental impacts on a regional-scale (e.g. cumulative impacts).
- to promote understanding of ISA’s rules and to make recommendations for their improvement.
- facilitating peer-to-peer learning between Contractors.
- providing advice to the ISA on the evolving interpretation of Best Environmental Practice and Good Industry Practice.

This could be covered by DR98(1)(i), but only if it is moved out from the current chapeau that limits functions only to those specifically focused on monitoring or enforcing compliance with ISA rules.