

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART I**

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.

DR 101

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.

1. The [Inspectorate] [Compliance Committee] [Council] shall on the basis of the recommendations of the Commission, may take such reasonable action as is necessary in response to the complaint, in accordance with applicable Standards and Code of Conduct.

[Regulation 101bis

Whistle-blowing procedures

1. The Compliance Committee shall develop and implement:

a. whistle-blowing policy for the staff of the Authority, the Inspectorate, the Enterprise, and personnel of Contractors, and

b. a public complaints procedure to facilitate reporting to the Authority by any person of any concerns about the activities of a Contractor, or the Authority.

2. The whistle-blowing and complaints procedures under this Regulation must:

c. be publicly advertised,

d. be easy to access and navigate,

e. enable anonymous reporting,

f. trigger investigations of reports by independent persons, and

g. be proactively communicated by the Secretary-General to Contractors and their staff, and other Stakeholders.

3. A Contractor shall have in operation whistle-blowing and complaints procedures, which must be publicly advertised, and which should include details of the Authority’s equivalent procedures to enable direct reporting to the Authority by a complainant where preferable.]

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

As noted by the African Group, Germany, Spain, Norway and the United Kingdom, we welcome the insertion of a new DR101 bis. to establish more broadly the opportunity for third parties to provide information and complaints to the ISA in relation to activities in the Area, and the conduct of contractors and/or ISA personnel. This DR101 bis would provide a process for receiving and addressing reports from those employed in the industry, without them being victimized as a result or raising concerns. Such processes are important accountability mechanisms for any organization, but are currently absent at the ISA. For a regulated industry, open complaints mechanisms like this can be a useful source of intelligence upon which to target investigative actions, and can be useful in identifying non-compliance at an early stage. Third parties may be able to access information and practices that the ISA and States may not see. Administration of these mechanisms should be independent from the ISA's general operations, so having them report into a Compliance Committee (or Inspector-General or Council) would seem sensible.