

**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 96quarte

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.

- **Red font** are proposed amendments by the Facilitator in this revised text.
- Our proposed amendments and our questions or comments regarding the facilitator’s remarks are indicated as in-line edits in **blue**. Proposed deletions of text proposed by the facilitator appears in strikethrough and **bold**.

Request for inspection ~~in the event of Harm to the Marine Environment~~

1. In the event of Harm to the Marine Environment ~~and~~ or the livelihood of any coastal community, [adjacent coastal] States which have grounds for believing such harm is caused by activities in the Area, shall notify the Secretary-General in writing through appropriate channels of the grounds upon which such belief is based and request an inspection.

2. The Secretary-General, upon the notification of any Member State ~~on reasonable grounds that an inspection is expedient to prevent Contractor non-compliance or harm to the Marine Environment~~, shall ~~notify the [Compliance Committee/Chief Inspector] who shall then promptly initiate inspection, and invite representatives of coastal States and other Parties where appropriate to participate in the inspection, no later than 24 hours after such notification was made by the States to assess whether pollution the harm is attributable to activities in the Area.~~

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

In the title of DR 96 quarter we suggest removing the reference to “in the event of Harm to the Marine Environment” to better reflect the scope of the provisions, which also includes harm to livelihoods and we suggest there may be other areas of non-compliance.

Paragraph 1’s drafting could be improved. We share Ireland’s concern raised on the floor that as currently drafted, a coastal state would need to show both harm to the marine environment and harm to livelihoods. We would further suggest that any State be given rights to request and participate in an inspection upon any reasonable

grounds, as there may be other States with legitimate interests to request an inspection e.g. a sponsoring State of a neighbouring contract area.

We would recommend making the notification process available to any State with reasonable grounds. The last sub-clause of paragraph 2 (after 'participate in the inspection') can also be deleted. Promptly already sets an appropriate timeframe and the purpose of the inspection should not be narrowed here to a focus on pollution or cause of harm – where an inspection is taking place, whatever the trigger, an inspector should be able to carry out a full inspection examining all potential areas of non-compliance. Lastly, we believe the SG should relay such a notification to either the CC or Chief Inspector (subject to negotiations on the ICE mechanism) who shall then initiate the inspection.