

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> 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](mailto:council@isa.org.jm).*

**1. Name of Working Group:**

Informal Working Group – Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

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

Draft Reg. 101bis

**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.**

[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, and the Enterprise, 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:](#)

[a. be publicly advertised,](#)

[b. be easy to access and navigate,](#)

[c. enable anonymous reporting,](#)

[d. trigger investigations of reports by independent persons, and](#)

[e. 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.](#)

~~**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:
  - a. be publicly advertised,
  - b. be easy to access and navigate,
  - c. enable anonymous reporting,
  - d. trigger investigations of reports by independent persons, and
  - e. be proactively communicated by the Secretary General to Contractors and their staff, and other Stakeholders.~~
- ~~3. A Contractor, [its subcontractors and their agents] 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]**

- We agree with the Facilitator's comment that the Authority should not specify the contents of whistle-blowing policies for Contractors. We also note that it would not be appropriate for the Draft Regulations to impose these requirements on subcontractors and their agents, given they are not subject to the Authority's jurisdiction.
- However, we consider it will be important to ensure that the Authority itself has an appropriate whistle-blower policy in place. As such, we would propose retaining parts of Draft Regulation 101bis to reflect this.
- For the purposes of streamlining, we consider much of this content could be included as part of an existing or new Standard and/or Guidelines.