

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29<sup>TH</sup> SESSION:  
COUNCIL - PART II**

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(s) of Delegation(s) making the proposal:**

The Pew Charitable Trusts

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

DR 101

**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.**

1. bis A person aggrieved by an action of an Inspector *or any organ or official of the Authority* under this Part may complain in writing to the [Secretary General] ~~[Compliance Committee]~~, who shall report to the [Compliance Committee], *or where the Compliance Committee is implicated in the complaint to the Ombudsperson, [Commission]* to consider the complaint as soon as practicable.

2. The Compliance Committee *shall* ~~may~~ take such reasonable action as is necessary in response to the complaint, in accordance with applicable ~~S~~standards and *the Authority's* Code of Conduct.

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

We propose broadening the scope of DR101(1)(bis) to reflect that various ISA staff (e.g. Secretariat, Chief Inspectorate) or organs (e.g. LTC, Compliance Committee) may take action in relation to inspection and compliance with has potential to affect a contractor's activities, and so the opportunity to raise a complaint should not be limited only to inspectors.

We recall a Council member raising in the July 2024 session that there is risk of conflict of interest, if the Compliance Committee is required to review its own decision, or an action by an Inspector that emanated from the Committee's own direction. We agree, and therefore recommend the introduction of an Ombudsperson for the ISA, to enable an independent means of first-recourse for complaints to be investigated and resolved. The Ombudsperson can then be referenced in this DR.

With regards paragraph (2) of DR101, we propose replacing may with shall. The rationale is to *require* that any such complaints are dealt with (even if they are reviewed and dismissed, with reasons given). The Regulations should not allow discretion for the Committee to ignore a complaint received, nor to fail to follow the Code of Conduct and Standards referenced in paragraph (2).