

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH 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.

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 96 quat

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.

Regulation 96 quat

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

- (1) The Chief Inspector shall examine any information received or otherwise obtained that indicates potential for transboundary environmental harm, or other potential harm to the interests of a State, and determine in accordance with the Compliance Strategy what, if any, inspection action may be required by the Authority.**
- (2) Where inspection action is planned pursuant to paragraph (1), the Chief Inspector shall invite representatives of any State or States whose jurisdiction or interests have been identified with potential to be harmed to participate in the inspection.**

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

~~2. The Chief Inspector Secretary General, upon such the notification by of a Member State, shall examine immediately the grounds for an inspection request and shall promptly initiate inspection where such grounds appear reasonable, and invite representatives of the coastal State or States to participate in the inspection, no later than 24 hours after such notification was made by the State or States to facilitate assessment by the Council of whether any [pollution or] the harm is attributable to activities in the Area.]~~

- paragraph (2) that provides for the Chief Inspector to notify and invite representatives of a State to participate in an inspection, in any case where their jurisdiction or interests may be directly affected by the issue at hand.

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

We believe paragraph (1) should be broadened to cover a wider range of actors and concerns - for instance, threats to human health, in addition to threats of livelihoods, as well as inclusion of not just coastal communities but any communities affected in coastal States. Similarly, notification and participation rights could also be extended to States who may have adjacent Contract Areas, or adjacent marine scientific research or submarine cable projects etc.

In addition, the last sub-clause of paragraph (2) seems to narrow the purpose of the inspection to a focus on pollution or cause of harm. We believe that 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.

For these reasons, we suggest that this DR 96(quat) be replaced with broader and more inclusive language, as proposed.