

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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 of Working Group:

President's Text

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 37

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 Contractor shall conduct and carry out the training of personnel of the Authority and developing States on an ongoing basis in accordance with the approved Training Plan commitment under schedule 8 to the exploitation contract, these regulations and any training ~~Standards, taking account of relevant~~ Guidelines.

2. The Contractor, the Authority and the Sponsoring State or States may, from time to time, as necessary, revise and develop the Training Plan by mutual agreement, taking into account ~~the shortage of any skills and requirements of the industry in the undertaking of activities in the Area~~ relevant factors including the special needs of developing States, in particular geographically disadvantaged States and landlocked States and the training Standards, taking account of relevant Guidelines.

~~3. Any mutually agreed modification of or amendment to the Training Plan shall become part of schedule 8 to the exploitation contract.~~

4. [In the case of specific training on ~~Mitigation and~~ the prevention ~~reduction and control~~ of marine pollution ~~from the Area~~, the Contractor and the Authority shall offer participation of a representative of the adjacent coastal State(s) ~~should be ensured~~.]

5. The Contractor shall include in the Training Plan measures to ensure protection of the health, safety and rights of trainees.

6. Gender equality, inclusivity, non-discrimination, and diversity should be core elements required of the Contractor's approach to training opportunities.

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

We propose amending the language of paragraph (2) so that it is reflective of UNCLOS, which is the source for the training obligation. UNCLOS focuses on the special needs of developing States, and in particular geographically disadvantaged and land-locked States, and does not include the need of industry as a relevant factor.

We consider that legally binding Standards may be useful to establish more requirements in the future, with regards Contractor training programmes. We recall past submissions made by China, Italy and Kiribati (amongst others) noting that the Regulations (and draft Standards and Guidelines currently under development) do not provide guidance on the

required content of the Training Plan. As observed by the Africa Group in a 2019 submission to Assembly, under UNCLOS ‘training is envisioned as a key non-monetary benefit resulting from the implementation of part XI and as a means to introduce a degree of equity within the regime of the International Seabed Authority for developing States, by sharing knowledge and building capacity’ and the Contractor’s programme of training is a specific requirement of Annex III to UNCLOS. For this reason, we recommend either a new Annex to provide a template and minimum requirements for the Training Plan, or Standards.

On para 3, while it is correct that any mutually agreed modification to any Plan shall become part of the contract, it is unclear why this is expressly stated here in relation to the Training Plan (alone). This para could therefore be deleted in case it gives the corollary implication that similar amendments to other Plans are not treated in the same way.

In para 4, our amendments are to make the para more reflective of UNCLOS wording. We propose a new para 5, to include measures to ensure protection of the health and safety of trainees. We also propose a new para 6, to require inclusivity and gender equality to be taken into account in relation to training.