

**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.im.

1. Name of Working Group:

President

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

Republic of Costa Rica

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

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

4alt1. [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 also offer participation in the training to a ~~of representative of the adjacent coastal State(s) should be ensured.~~

4. alt 2 [The Training Plan ~~presented by the Contractor~~ must contain proposals of at-sea training as well as capacity building in ~~other~~ areas of relevance such as: ~~Environmental Management, International Law (with a focus on the Convention and the Mining Code), Modeling, Statistics and Marine Spatial Planning.~~] techniques and applications of research, the protection and preservation of the marine environment, the prevention, reduction and control of marine pollution, and other relevant marine science and technology.

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

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]

The proposed amendments to paragraphs 1 and 2 are intended to be more reflective of UNCLOS, which is the source for the training obligation and under which the need of industry is not a relevant factor. In addition, we consider that legally binding Standards may be useful to establish more requirements in the future, with regards to 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.

Regarding paragraph 3, 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), and so this paragraph (3) should be deleted in case it gives the corollary implication that similar amendments to other Plans are not treated in the same way.

We prefer 4alt2, but the drafting can be strengthened to better reflect language in UNCLOS, specifically Articles 143, 144(2)(b), 202 and section 5 of the Annex to the 1994 implementing agreement.

Regarding the newly proposed paragraphs 5 and 6, we believe these are helpful proposals previously suggested that would assure that implementation of the training plan would assist the ISA and its member States to uphold its obligations and best practices around inclusivity and gender equality and ensure the safety of trainees is prioritized.