

THE PEW CHARITABLE TRUST'S COMMENTARY

***ON THE REVISED CONSOLIDATED TEXT: DRAFT REGULATIONS ON  
EXPLOITATION OF MINERAL RESOURCES IN THE AREA,  
DATED 29 NOVEMBER 2024 (ISBA/30/C/CRP.1)***

Key

**Black font, red font, and grey text-boxes** are replicated from the Draft Regulations text.

**Blue font** represents commentary or edits proposed by The Pew Charitable Trusts.

**Section 7**

**Training commitment**

**Regulation 37**

**Training Plan Obligations**

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 [applicable]~~ Standards, and taking into consideration 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]~~ [the special needs of developing States, in particular geographically disadvantaged States and landlocked States] and ~~[the training]~~ [applicable Standards, and taking into consideration] 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 of pollution from the Area, participation of representative of the adjacent coastal State should be ensured.]]~~

[5. The Contractor shall in the Training Plan:

(i) include measures to ensure the protection of the health, safety and rights of trainees, and

(ii) demonstrate how gender equality, inclusivity, non-discrimination, and diversity are implemented in the Contractor's approach to training opportunities. ]

**Comments**

- Many delegations stressed the importance of having a Standard on training in place, and the draft regulation has thus been updated throughout to reflect this.
- Paragraph 2 has been updated to better align with the language of the Convention.
- Paragraph 4 is suggested deleted since the Convention does not contain any provisions or indirect obligations to train representatives of adjacent coastal States. During the second part of the twenty-ninth session, some delegations asked for the retention of paragraph 4, and it has thus been retained for further discussion.
- A new paragraph 5 has been included to ensure the protection of trainees' health and safety.

Whilst we largely support the amendments made to DR37 in this version of the text and are pleased to see the inclusion of paragraph (5) in particular, we agree with the statement made by Ghana on behalf of the African Group in July 2024, supported by member States from WEOG, GRULAC and Asia-Pacific as well, that **the Regulations lack detail and minimum criteria for a Contractor's training obligations**. 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’*. We support Ghana’s proposal to develop concurrently with the Regulations a priority phase Standard setting out the requirements for an Exploitation applicant’s training plan.

Given the subject’s cross-cutting importance, we also wonder if the ISA should develop a **general or specific policy on training of developing State nationals and staff**, to inform the Regulations and subsidiary instruments which could then all work towards implementation of that policy? If this were in place, then paragraph (2) could be amended to refer to changes in the ISA’s policy from time-to-time – rather than referring to changes in a Contractor’s Training Plan. DR57 already covers modifications to a Plan of Work, and so we are unclear why paragraph (2), as drafted, is necessary. It seems to introduce ambiguity about whether there is a separate procedure for amendment of a Training Plan (only) that does not invoke DR57.