



Council

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Item 9 of the provisional agenda*

Consideration, with a view to approval, of an application for extension of a contract for exploration

Application for extension of the contract for exploration for polymetallic nodules between the Government of India and the International Seabed Authority

Report and recommendations of the Legal and Technical Commission

The Legal and Technical Commission,

Recalling that, on 25 March 2002, the Government of India entered into a 15-year contract for exploration for polymetallic nodules with the International Seabed Authority,

Recalling also that the contract was extended for a period of five years to 24 March 2022,¹

Noting that, on 20 October 2021, the Secretary-General of the International Seabed Authority received an application for a five-year extension of that contract from the Government of India, pursuant to section 1, paragraph 9, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982,²

Noting also that, on 3 and 4 November 2021, the Secretary-General notified members of the Authority and members of the Legal and Technical Commission, respectively, of the receipt of the application and placed consideration of the application on the agenda of the Commission for the twenty-seventh session of the Authority,

Recalling the provisions of section 1, paragraph 9, of the annex to the Agreement,

* ISBA/27/C/L.1.

¹ See ISBA/23/C/15.

² United Nations, *Treaty Series*, vol. 1836, No. 31364.



Recalling also the decision of the Council of the International Seabed Authority relating to the procedures and criteria for the extension of an approved plan of work for exploration pursuant to section 1, paragraph 9, of the annex to the Agreement,³

Recalling further that the Commission is required to consider applications expeditiously and in the order in which they are received,

Recalling that the Commission shall recommend approval of the application for extension of the contract for exploration if it considers that the contractor has made efforts in good faith to comply with the requirements of the contract for exploration but, for reasons beyond the contractor's control, has been unable to complete the preparatory work necessary for proceeding to the exploitation stage, or if the prevailing economic circumstances do not justify proceeding to the exploitation stage,

Conscious of the effects that the extraordinary circumstances of the coronavirus disease (COVID-19) pandemic have had on activities during the past years,

Having considered the application by the Government of India during its meetings held virtually from 14 to 18 March 2022, in accordance with the procedures and criteria,

Having requested the applicant to provide further data and information to supplement its application, and noting that such data and information were duly supplied to the satisfaction of the Commission,

Having considered the grounds advanced by the applicant for requesting an extension of its contract and the information provided to establish that, for reasons beyond its control, it was unable to complete the preparatory work necessary for proceeding to the exploitation stage and that the prevailing economic circumstances do not justify proceeding to that stage,

Having concluded that the applicant has made efforts in good faith to comply with the requirements of the contract for exploration but, for reasons beyond its control, has been unable to complete the preparatory work necessary for proceeding to exploitation,

1. *Recommends* that the Council of the International Seabed Authority approve the application for extension of the contract for exploration for polymetallic nodules between the Government of India and the Authority for a period of five years from 25 March 2022;

2. *Requests* the Secretary-General of the International Seabed Authority to take the steps necessary to ensure that the proposed programme of activities for the extension period contained in the application is adjusted to take into account the issues raised in the questions asked by the Legal and Technical Commission and the responses given by the applicant before the programme of activities is attached as annex I to the agreement to be drawn up between the Authority and the Government of India concerning the extension of the contract for exploration for polymetallic nodules, in accordance with appendix II to the decision of the Council.⁴

³ ISBA/21/C/19.

⁴ Ibid.