



## Council

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### Twenty-fifth session

Council session, part II

Kingston, 15–19 July 2019

Agenda item 12

### Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-fifth session

## Decision of the Council of the International Seabed Authority relating to the reports of the Chair of the Legal and Technical Commission

*The Council of the International Seabed Authority,*

*Recalling* its decision [ISBA/24/C/22](#),

1. *Takes note with appreciation* of the reports of the Chair of the Legal and Technical Commission on the work of the Commission at the first and second parts of its twenty-fifth session<sup>1</sup> and of the note by the Commission on draft regulations on exploitation of mineral resources in the Area;<sup>2</sup>
2. *Welcomes* the continued work of the secretariat and the Commission on the regulations on exploitation, and requests that the Commission undertake work on standards and guidelines as a matter of priority;
3. *Also welcomes* the convening of the workshop held in Pretoria from 13 to 15 May 2019 on the development of standards and guidelines for activities in the Area, and takes note of the recommendations made by the Commission with regard to the outcomes of and suggestions made by the workshop;
4. *Emphasizes* that any standards, draft environmental goals, objectives and principles require discussion and adoption by the Council;
5. *Expresses* its intention to ensure the thorough and timely development of the regulations, bearing in mind that necessary standards and guidelines should be developed before the adoption of the regulations;
6. *Notes with satisfaction* the interactive discussion during the meetings of the Council on the draft regulations,<sup>3</sup> and welcomes the proposals and observations presented by member States and observers;

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<sup>1</sup> [ISBA/25/C/19](#) and [ISBA/25/C/19/Add.1](#).

<sup>2</sup> [ISBA/25/C/18](#).

<sup>3</sup> [ISBA/25/C/WP.1](#).



7. *Decides* that additional written comments on the draft regulations, including specific drafting suggestions, may be sent to the secretariat no later than 15 October 2019;

8. *Requests* the secretariat to prepare a compilation of the proposals and observations sent by members of the Council and a compilation of proposals and observations sent by other States members of the Authority, observers and other stakeholders, to be submitted by the President of the Council and published no later than 30 December 2019, for consideration by the Council at its twenty-sixth session;

9. *Requests* that further outputs of the Commission, for consideration by the Council, be circulated sufficiently in advance of the meeting of the Council at which they will be considered to allow for substantive consideration and discussion, and emphasizes the ongoing need for openness and transparency;

10. *Requests* the Commission to consider, as appropriate, the submissions received in the context of its work since the twenty-fourth session, including on the draft regulations from: Algeria, on behalf of the African Group, entitled “Recommendations on legal liability”;<sup>4</sup> Algeria, on behalf of the African Group, entitled “Submission on the ISA payment regime for deep-sea mining in the Area”; Algeria, on behalf of the African Group, entitled “Submission of two payment regimes for consideration by the Council of the International Seabed Authority”; Belgium, entitled “The use of electronic monitoring systems as an effective way to remotely monitor the activities in the Area”; Belgium, entitled “Report on the public consultation organized by Belgium”;<sup>5</sup> and Germany, entitled “Revised suggestions for facilitating the work of the International Seabed Authority”;<sup>6</sup>

11. *Notes with appreciation* the Commission’s consideration of 29 annual reports on activities carried out by contractors in 2018, and welcomes, in particular, the presentation of well-structured reports complying with the template issued by the Commission by the overwhelming majority of contractors;

12. *Expresses its deepest regret and concern* in relation to the cases of contractors that have not followed the reporting requirements, and that the progress of exploration work for some contractors operating within the extension period is behind schedule in its aim to complete the resource assessment by the end of that period, that a few contractors are repeatedly performing inadequately or incompletely against an approved plan of work and that a few contractors have indicated that the implementation of the plan of activities will be made conditional on external factors, regardless of the applicable contractual requirements, and calls upon contractors to fully comply with their legal obligations in a timely manner;

13. *Requests* the Secretary-General to communicate the various issues identified during the Commission’s review of the annual reports of contractors to the relevant contractors and sponsoring States and to follow up in writing with those contractors that are repeatedly performing inadequately or incompletely against an approved plan of work, or that have indicated that the implementation of the plan of activities will be made conditional on external factors, regardless of the applicable contractual requirements, to request meetings with them, and to write to the respective sponsoring States to bring that issue to their attention and request a meeting with them to address it;

14. *Emphasizes* the importance for contractors to take into account and to respond to the Commission’s advice on annual reports, to give reasons in their annual

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<sup>4</sup> ISBA/25/C/25.

<sup>5</sup> ISBA/25/C/20.

<sup>6</sup> ISBA/25/C/27.

reports for expenditure that is lower than forecast and to respond to the Commission's questions and recommendations in a timely manner, and also emphasizes the importance for contractors to provide reviews of how the baseline data are building towards an adequate level against the relevant recommendations issued by the Commission;

15. *Requests* that the Secretary-General report to the Council on an annual basis, identifying instances of alleged non-compliance and regulatory action recommended or to be taken in accordance with the United Nations Convention on the Law of the Sea,<sup>7</sup> the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982<sup>8</sup> and the regulations on prospecting and exploration, including any monetary penalties to be imposed by the Council, and invites the relevant sponsoring States to provide any information relating to such non-compliance and measures taken to ensure compliance under contracts for exploration, in accordance with article 139 of the Convention;

16. *Stresses* the need for all contractors to comply with their reporting requirements and to make their environmental data readily and publicly available, and notes that the Authority needs all contractors to collect samples consistently and to fully report environmental and geological data in a digital format to support, inter alia, the development of regional environmental management plans;

17. *Welcomes* the training programmes and opportunities offered by contractors, pursuant to their contracts for exploration with the Authority, since the twenty-fourth session;

18. *Notes* that an informal workshop was held on 6 July 2019 to discuss scientific tools and approaches for developing regional environmental management plans, with a focus on mid-ocean ridges;

19. *Encourages* the secretariat and the Commission to make progress in the development of environmental management plans in other international seabed area zones, in particular where there are currently exploration contracts, recalling paragraph 60 of General Assembly resolution [70/235](#) of 23 December 2015;

20. *Welcomes* the progress made by the secretariat towards the implementation of the data management strategy of the Authority, including public access to non-confidential data, and looks forward to the launch of the database on 25 July 2019;

21. *Notes* that the Commission has conducted a preliminary discussion of the study on issues related to the operationalization of the Enterprise, in particular on the legal, technical and financial implications for the International Seabed Authority and for States parties to the United Nations Convention on the Law of the Sea;

22. *Also notes* that, owing to its heavy workload and time constraints, the Commission was unable to discuss other matters referred to it by the Council, and requests the Secretary-General to ensure that adequate time and resources continue to be made available to support the work of the Commission, especially on priority issues;

23. *Notes with concern* the sharp deficit in the voluntary trust fund for the purpose of defraying the cost of participation of members of the Commission and of the Finance Committee from developing countries in meetings of the Commission and of the Committee, welcomes the contributions made, and urges additional

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<sup>7</sup> United Nations, *Treaty Series*, vol. 1833, No. 31363.

<sup>8</sup> United Nations, *Treaty Series*, vol. 1836, No. 31364.

contributions to the fund from members of the Authority, as well as other States, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private individuals;

24. *Encourages* the Commission to hold open meetings more frequently to allow for greater transparency in its work;

25. *Welcomes* the reports of the Secretary-General on the implementation of the decision of the Council in 2018 relating to the report of the Chair of the Commission,<sup>9</sup> and notes that this was the third such report of the Secretary-General;

26. *Requests* that the Secretary-General report to the Council on the implementation of the present decision at its twenty-sixth session, in 2020, and that such annual reporting remain on the agenda of the Council as a standing item.

*258th meeting  
19 July 2019*

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<sup>9</sup> ISBA/25/C/12 and ISBA/25/C/12/Add.1.