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Functions, working practices and anticipated programme of work of the Legal and Technical Commission for the period from 2023 to 2027

Note by the Secretariat

1. The present note has been prepared by the Secretariat for the benefit of the incoming members of the Legal and Technical Commission. A similar note had been prepared for the incoming Commission in 2017¹. The purpose of the note is to describe the status and responsibilities of the Commission along with the working practices that have been developed since the establishment of the Commission in 1997. The note is also designed to provide the context and framework in which the Commission will exercise its mandate over the next five years by examining the past work of the Commission and outlining the anticipated scope of work of the Commission for the period from 2023 to 2027.

I. Status and responsibilities of the Commission

A. Status of the Commission

2. The Commission is established as an organ of the Council of the International Seabed Authority, in accordance with article 163 (1) (b) of the United Nations Convention on the Law of the Sea.²

3. In accordance with the Convention and the rules of procedure of the Council, the Council elects the members of the Commission. Members hold office for a five-year term and are eligible for re-election for a further term. Members serve in their

¹ See ISBA/23/LTC/5

² United Nations, *Treaty Series*, vol. 1833, No. 31363.

personal capacity. As experts on mission, they are covered by article 9 of the Protocol on the Privileges and Immunities of the International Seabed Authority.³

4. Article 165 (1) of the Convention requires that members of the Commission have appropriate qualifications such as those relevant to exploration for and exploitation and processing of mineral resources, oceanology, protection of the marine environment, or economic or legal matters related to ocean mining and related fields of expertise. This requirement is designed to enable the Commission to fulfil its various technical and legal responsibilities.

5. Pursuant to Article 165, the Commission shall consist of 15 members. In 2016, the Council decided, on an exceptional basis, without prejudice to future elections, and with due regard to economy and efficiency, to increase the number of members of the Commission to 30.⁴ In 2022, the Council decided, for the same reasons, to further increase the number of the Commission. Subsequently, the Council elected 41 candidates.⁵

6. Before assumption of duties, members of the Commission are required to sign an undertaking that they shall have no financial interest in any activity relating to exploration and exploitation in the Area and that they shall not disclose, even after the termination of their functions, any industrial secret or proprietary data which are transferred to the Authority in accordance with the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (“the 1994 Agreement”),⁶ or any other confidential information coming to their knowledge by reason of their duties for the Authority.⁷ Procedures for the handling of confidential data and information have been promulgated by the Secretary-General⁸ and are applicable, *mutatis mutandis*, to the members of the Commission by reason of a decision of the Council in 2016.⁹ The Commission will be trained in the application and implementation of these procedures, including through the use of the secure website for the Commission.

B. Functions of the Commission

7. The functions of the Commission are complementary to the functions of the Council. These functions are mainly of an advisory or recommendatory nature. However, some of the functions listed in article 165 (2) of the Convention require the Commission to make independent expert assessments, for example, on the environmental implications of activities in the Area. The functions of the Commission must also be exercised in accordance with such policy guidelines and directives that the Council may adopt (article 163 (9) of the Convention).

³ United Nations, *Treaty Series*, vol. 2214, No. 39357. As of 3 January 2023, 47 members of the Authority have become parties to the Protocol, namely: Albania, Antigua and Barbuda, Argentina, Austria, Brazil, Bulgaria, Burkina Faso, Cameroon, Chile, Croatia, Cuba, Czechia, Denmark, Egypt, Estonia, Finland, France, Georgia, Germany, Ghana, Guinea, Guyana, India, Iraq, Ireland, Italy, Jamaica, Jordan, Lithuania, Mauritius, Mozambique, Netherlands, Nigeria, Norway, Oman, Panama, Poland, Portugal, Romania, Senegal, Slovakia, Slovenia, Spain, Togo, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland and Uruguay. A further 11 States have signed the Protocol but have yet to ratify it: Bahamas, Côte d’Ivoire, Greece, Indonesia, Kenya, Malta, Namibia, North Macedonia, Pakistan, Saudi Arabia and Sudan.

⁴ See [ISBA/22/C/29](#).

⁵ See [ISBA/27/C/41](#) and [ISBA/27/C/41/add.1](#)

⁶ United Nations, *Treaty Series*, vol. 1836, No. 31364.

⁷ Article 163, paragraph 8, of the Convention; rule 11 of the rules of procedure of the Legal and Technical Commission.

⁸ ISBA/ST/SGB/2021/2.

⁹ ISBA/22/C/28, para. 7.

8. The functions of the Commission are set out in article 165 (2) of the Convention as read in conjunction with the 1994 Agreement. These functions are to:

(a) Make recommendations with regard to the exercise of the Authority's functions upon the request of the Council;

(b) Review formal written plans of work for activities in the Area and submit appropriate recommendations to the Council;

(c) Supervise, upon the request of the Council, activities in the Area, where appropriate, in consultation and collaboration with any entity carrying out such activities or State or States concerned, and to report thereon to the Council;

(d) Prepare assessments of the environmental implications of activities in the Area;

(e) Make recommendations to the Council on the protection of the marine environment, taking into account the views of recognized experts in that field;

(f) Formulate and submit to the Council the rules, regulations and procedures referred to in article 162 (2) (o) of the Convention, taking into account all relevant factors, including assessments of the environmental implications of activities in the Area;

(g) Keep such rules, regulations and procedures under review and recommend to the Council from time to time such amendments thereto as it may deem necessary or desirable;

(h) Make recommendations to the Council regarding the establishment of a monitoring programme to observe, measure, evaluate and analyse, by recognized scientific methods, on a regular basis, the risks or effects of pollution of the marine environment resulting from activities in the Area, to ensure that existing regulations are adequate and are complied with and coordinate the implementation of the monitoring programme approved by the Council;

(i) Recommend to the Council that proceedings be instituted on behalf of the Authority before the Seabed Disputes Chamber, in accordance with Part XI of the Convention and the relevant annexes, taking into account particularly article 187;

(j) Make recommendations to the Council with respect to measures to be taken, upon a decision by the Seabed Disputes Chamber in proceedings instituted in accordance with subparagraph (i) above;

(k) Make recommendations to the Council to issue emergency orders, which may include orders for the suspension or adjustment of operations, to prevent serious harm to the marine environment arising out of activities in the Area. Such recommendations shall be taken up by the Council on a priority basis;

(l) Make recommendations to the Council to disapprove areas for exploitation by contractors or the Enterprise in cases where substantial evidence indicates the risk of serious harm to the marine environment;

(m) Make recommendations to the Council regarding the direction and supervision of a staff of inspectors who shall inspect activities in the Area to determine whether the provisions of Part XI, the rules, regulations and procedures of the Authority and the terms and conditions of any contract with the Authority are being complied with.

9. These functions can be classified into four categories:

- (a) Functions relating to the approval of plans of work;¹⁰
- (b) Functions relating to the supervision of activities in the Area and the exercise of the functions of the Authority;¹¹
- (c) Regulatory functions;¹²
- (d) Functions relating to the assessment of the environmental impact of activities in the Area.¹³

10. The Commission is also responsible for carrying out the functions of the Economic Planning Commission (established as an organ of the Council under article 163 (1) (a) of the Convention) until the Council decides to establish the Economic Planning Commission as a separate organ or until the approval of the first plan of work for exploitation (Part XI Agreement, annex, section 1, paragraph 4).¹⁴ These functions are set out in article 164 of the Convention; they relate to the policy of the Authority for assisting developing land-based producer States being seriously affected by the production of minerals from the Area.

11. The responsibilities of the Commission are discharged at various stages of the development of activities in the Area. By way of illustration, since its inception in 1997, the Commission has, inter alia:

- (a) Considered twenty applications for approval of a plan of work for exploration for polymetallic nodules, seven applications for approval of a plan of work for exploration for polymetallic sulphides and five applications for approval of a plan of work for exploration for cobalt-rich ferromanganese crusts, and made recommendations to the Council;

- (b) Evaluated contractors' activity reports every year since 2002 and reviewed fifteen applications for extension of plans of work for exploration and made recommendations to the Council;

- (c) Issued six recommendations for the guidance of the contractors on relinquishment of areas under exploration contracts, on environmental and financial matters, on training programmes and on annual reporting;

- (d) Prepared for the Council's consideration

- i. Draft regulations on prospecting and exploration for polymetallic nodules, for polymetallic sulphides and for cobalt-rich ferromanganese crusts in the Area and the
- ii. Draft exploitation regulations for mining;
- iii. Draft Standards and Guidelines to support the exploitation regulations.
- iv. Draft criteria and consideration of a request of transfer of rights and obligations under exploration contract
- v. Draft standardized approach for the development of Regional Environmental Management Plans

¹⁰ Article 165 (2) (b) of the Convention; Part XI Agreement, annex, section 1, paragraph 6.

¹¹ Article 165 (2) (a), (c), (i), (j) and (m) of the Convention.

¹² Article 165 (f) and (g) of the Convention.

¹³ Article 165 (d), (e), (f), (h), (k) and (l) of the Convention.

¹⁴ The Council is currently considering whether to establish the Economic Planning Commission and will resume consideration of this matter in 2023 during the 28th Session, see ISBA/27/C/25, Report of the Secretary -General on the Operationalization of the Economic Planning Commission.

(e) Developed and reviewed the implementation of the Environmental management Plan for the Clarion-Clipperton Zone and the establishment of four additional areas of particular environmental interest.

(f) Provided guidance to the Secretariat on the implementation of the data management strategy of the Authority.

(g) Selected candidates for training placements in training programmes offered by Contractors.

12. A summary of the main work carried out by the Commission over the past six years is contained in annex I of the present note.

II. Working practices of the Commission

A. Rules of procedure of the Commission

13. The meetings are conducted in accordance with the rules of procedure of the Legal and Technical Commission, which the Council approved at its sixty-eighth meeting on 13 July 2000.¹⁵

B. Chairmanship

14. In accordance with the rules of procedure of the Commission, the Chair and Vice-Chair are elected from among the members of the Commission at the opening of the session. They hold office for a one-year term and are eligible for re-election.¹⁶

15. The Chair of the Commission is not formally required to report to the Council on the work of the Commission, nor is it a legal requirement for the Commission to formally adopt a consensus report on its work. In practice, however, the Chair prepares and delivers a statement to the Council summarizing the work of the Commission and identifying any issues that may require attention by the Council as well as responds to questions raised by Council members.

C. Work patterns

16. The schedule of meetings of the Commission has been established on the basis of an evolutionary approach and in accordance with the principle of cost-effectiveness that applies to the work of all the organs of the Authority, together with the need for sequential consideration of some agenda items by the various organs of the Authority.

17. Since 2013, meetings of the Commission have taken place twice each year with full conference services and interpretation, customarily preceding the meetings of the Council. This is because the Council would often require a recommendation from the Commission on technical matters to facilitate its discussions. The first part of the session usually takes place in February/March and the second part in July/August.

18. Since 2020, when the COVID-19 global pandemic response made it temporarily impossible to hold face-to-face meetings, the Commission has developed a practise of meeting virtually. It also utilised a silence, or 'no objection', procedure for

¹⁵ The rules of procedure of the Commission are contained in the annex to document [ISBA/6/C/9](#); they are also reproduced in *International Seabed Authority: Basic Texts* (Kingston, International Seabed Authority, 2nd ed., 2012), pp.70-84. In accordance with rule 54, the rules entered into force on the day of their approval by the Council.

¹⁶ Rule 16 of the rules of procedure of the Commission.

adoption of certain recommendations. These practices proved to be valuable in enabling the Commission to work more effectively and inclusively between face-to-face meetings in Kingston. In 2022, the Council had requested the Commission to review the use of silence procedure in the adoption of its decisions and recommendations.

D. Subcommittees and working groups

19. To facilitate its work, the Commission has developed the practice of dividing itself into informal working groups on thematic areas for the purpose of considering complex technical and legal issues. For example, the Commission has often divided itself into Legal/Financial, Geological/Technical and Environmental working groups to evaluate the annual reports of contractors of the Authority, to consider applications for approval of plans of work for exploration, and to consider applications for extension of exploration contracts. A training sub-group has also been established to undertake a review of training applications and conduct a preliminary selection of candidates for training programmes for the consideration of the Commission. Different working groups were also set up to develop the draft standards and guidelines and to consider environmental impact statements submitted by contractors.

20. With the introduction of virtual meetings, these working groups have also been able to organise meetings intersessionally to progress their work ahead of plenary meetings of the Commission. Over the next five years, the Commission may wish to set up additional standing or ad hoc working groups to accelerate the analysis and discussion of related topics and organize its work more efficiently.

E. Decision-making

21. Generally, the Commission does not make binding decisions. It makes recommendations for the consideration of the Council as its subsidiary technical organ. Decisions on substantive matters being discussed within the Commission are usually reached by consensus. In the absence of consensus, decisions may on rare occasions be taken by vote.¹⁷

F. Open and private meetings

22. Pursuant to rule 6 of the rules of procedure of the Commission, the meetings of the Commission are held in private unless the Commission decides otherwise; rule 6 also states that the Commission shall take account of the desirability of holding open meetings when it discusses issues of general interest to members of the Authority which do not involve the discussion of confidential information. Furthermore, rule 53, *inter alia*, allows any member of the Authority, with the permission of the Commission, to send a representative to attend a meeting of the Commission when it considers a matter particularly affecting that member.

23. In light of the above, the practice of the Commission has been to hold private meetings. The Commission held two open meetings in 2003 and 2004 on issues relating to the management of biodiversity in the Area. In July 2016, in the context of the consideration of the interim report of the review committee established to oversee

¹⁷ See rule 43 and 44 of the rules of procedure of the Commission ([ISBA/6/C/9](#))

the periodic review of the international regime of the Area, the Commission held another open meeting.

24. During the twenty-third session of the Authority, in its decision relating to the final report on the first periodic review of the international regime of the Area pursuant to article 154 of the Convention,¹⁸ the Assembly encouraged the Commission to hold more open meetings in order to allow for greater transparency in its work. On 23 March 2018, the Commission had extensive discussions on the issue of holding open meetings. It decided to continue with the current practise of holding open meetings only where issues of general interest to members of the Authority, not involving confidential information, were to be discussed, in accordance with the rules of procedure.

G. Use of Experts

25. In line with Article 165(2)(e) of the Convention, external recognized experts may be invited or consulted to assist the Commission in making recommendations to the Council on the protection of the marine environment. Furthermore, in line with article 163, paragraph 13 of the Convention, the Commission may, where appropriate, consult another commission, any competent organs of the United Nations or of its specialized agencies or any international organizations with competence in the subject-matter of such consultation.

26. The Commission has made use of these provisions, including through the provision of expert reports and studies to assist it in its work. Furthermore, in the course of its work on the preparation of draft standards and guidelines, the Commission sought the input of external recognised experts through the establishment of technical working groups, working under the guidance of the Commission, for the review of guidelines for the establishment of baseline environmental data¹⁹ and guidelines for the preparation of an Environmental Impact Assessment and Environmental Impact Statement.²⁰

27. Some specific processes for which the Commission has responsibility, for example, the process for the development of regional environmental management plans, are conducted through rigorous scientific and technical consultative processes with the engagement of the Commission. These are discussed further below (see Part III.C).

III. Anticipated workload of the Commission for the period 2023-2027

28. The anticipated programme of work of the Commission over the next five-year period comprises regular items which are annually or periodically considered by the Commission; regulatory and environmental management matters of the Authority as well as specific requests made by the Council.

29. The regular agenda items mainly include the evaluation of the activities of the contractors, such as the review of annual reports; requests for extensions and relinquishments; the periodic review of contracts; the drafting and revision of

¹⁸ ISBA/23/A/13, see Paragraph, Section G, Decision of the Assembly of the International Seabed Authority relating to the final report on the first periodic review of the international regime of the Area pursuant to article 154 of the United Nations Convention on the Law of the Sea

¹⁹ See [ISBA/27/C/11](#)

²⁰ See [ISBA/27/C/4](#) and [ISBA/27/C/5](#)

regulations and recommendations for guidance to contractors; the environmental management of impacts that may result from activities in the Area and review of new applications for approval of plans of work for exploration as and when received by the Secretariat. Other items to be considered by the Commission include items requested by the Council. The anticipated programme of work of the Commission is set out below.

A. ACTIVITIES OF CONTRACTORS

Consideration of applications for approval of plans of work for exploration

30. One of the most important responsibilities of the Commission is to consider applications for approval of plans of work for exploration and to make recommendations to the Council. All applications are considered in the order in which they are received. Applications must be circulated to the members of the Authority at least 30 days prior to the meeting of the Commission at which they will be considered. During the last five-year period, the Commission considered four applications for approval of a plan of work for exploration and made three recommendations to the Council (see annex I). The current status of contracts with the Authority is set out in annex II to the present note.

Review of annual reports

31. Pursuant to the exploration regulations, contractors are required to submit an annual report on their activities no later than 90 days from the end of each calendar year, i.e. by 31 March. The Commission is required to review the annual reports submitted by contractors and provide advice thereon to the Secretary-General of the Authority.

32. With the increased number of exploration contracts, the number of annual reports to be evaluated by the Commission has also increased and currently stands at 30. Reports are usually received in narrative format, accompanied in some cases by photographs, graphs, and charts and sometimes scientific data in media formats. These are analysed by technical staff within the Secretariat and a summary is prepared for the Commission. In 2016, the Commission adopted a revised reporting template for contractors, requiring submission of raw data in a standardized format. In February 2022, the Secretariat developed a reporting template for the submission of digital data to further streamline and improve the data submission process.²¹

33. Upon conclusion of its review, the Commission prepares an evaluation report for the Secretary-General to support him in his duty of reporting to the Council, including on any instances of non-compliance.

34. Whilst the introduction of standardized templates and digital data submission has streamlined the reporting process, the Commission has still found itself overwhelmed by the quantity of data and information to be reviewed in the short time available to it. The establishment within the Secretariat of a Compliance Assurance and Regulatory Management Unit (CARMU) as a focal point for all interactions with contractors is intended to further streamline the reporting process, including by introducing standard operational procedures and improved data analytics. CARMU also has the function of inspecting contractors' activities where appropriate to ensure that planned activities are conducted in accordance with all regulatory and contractual obligations. Two such inspections were conducted in 2022 and it is likely that further inspections would be conducted over the next five-year period.

²¹ See - https://isa.org.jm/files/files/documents/ReportingTemplates_Guidance_v1.8_20220212.pdf

Applications for extension of an approved plan of work for exploration and relinquishments

35. The Commission may also be required to consider applications from contractors for extension of an approved plan of work. It is recalled that, in 2015, the Council adopted a decision relating to the procedures and criteria for the extension of an approved plan of work pursuant to section 1, paragraph 9, of the annex to the 1994 Agreement.²² Contractors may apply for such extensions for periods of not more than five years. Between 2016 and 2022, the Council, based on the reports and recommendations of the Commission, approved eight requests for extensions of plans of work for exploration. It is projected that, over the next five years, 12 contractors whose contracts are due to expire may wish to apply for extensions.²³

36. Contractors may be required to relinquish parts of the areas allocated for exploration in accordance with the exploration regulations and terms of their contract. For this purpose, the Commission in 2019 issued recommendations for the guidance of contractors on relinquishment of areas under exploration contracts for Polymetallic Sulphides or Cobalt-rich Ferromanganese Crusts.²⁴ The secretariat engages with the contractor to ensure that the relinquishment meet the Commission's guidance and thereafter presents to the Commission a report of its analysis and conclusions, including maps and coordinates of relinquished and retained exploration areas. The Commission is also notified in the event of any non-compliance as well as whether the contractor has fulfilled its relinquishment obligations. It is projected that eight contractors would be required to relinquish part of their contract areas within the next five years.

Periodic reviews of the implementation of plans of work for exploration

37. In accordance with the exploration regulations and the standard clauses of contracts for exploration, contractors and the Secretary-General are required to undertake a periodic review of the implementation of a plan of work for exploration every five years. As a result of the review, the contractor is required to make the necessary adjustments to its plan of work and submit its programme of activities for the following five-year period, including a schedule of expected yearly expenditure for the period. The Secretary-General is thereafter required to report on the review to the Commission and Council.

38. Following discussions in the meetings of the Commission, in 2018 the Secretary-General introduced the practice of holding consultations with the Commission on the content of periodic review reports submitted by contractors (in-session or intersessionally depending on the timing of the reports). Comments and suggestions made by the Commission will then be taken into account in discussions between the Secretary-General and the contractor. Over the last five years, between January 2018 and December 2022, seventeen Periodic reviews for contracts were completed by the Commission. It is projected that another seventeen contracts will be subject to periodic review over the next five years.

²² See [ISBA/21/C/19](#) and its annex and associated appendices I and II.

²³ See [ISBA/23/C/9](#), [ISBA/26/C/31-ISBA/26/C/37](#) and [ISBA/27/C/15](#). These contractors are Interoceanmetal Joint Organization (PMN); JSC Yuzhmorgeologiya (PMN); Government of the Republic of Korea (PMN); China Ocean Mineral Resources Research and Development Association (PMN); China Ocean Mineral Resources Research and Development Association (PMS); Deep Ocean Resources Development Co. Ltd (PMN); Institut français de recherche pour l'exploitation de la mer (PMN), Federal Institute for Geosciences and Natural Resources (PMN), Nauru Ocean Resources Inc. (PMN), Tonga Offshore Mining Limited (PMN); Government of India (PMN), and Government of the Russian Federation (PMS)

²⁴ See [ISBA/25/LTC/8](#)

Selection of candidates for and review of the implementation of the Contractor Training Programme

39. Another standing item on the agenda of the Commission is the selection of candidates from developing countries for training programmes under exploration contracts. It is estimated over the next five years, contractors will provide an equivalent of 300 training opportunities. The Contractor Training Programme is managed by a Training Coordinator based in the Capacity Development Unit of the Secretariat.

40. The current training opportunities fall into the following categories: at-sea training on board contractors' vessels and post cruise training; bursaries and fellowships to allow candidates to participate in scheduled or specific training programmes, including undergraduate and postgraduate programmes; internships including participation in seminars, scientific and environmental workshops; and engineering trainings.

B. REGULATORY ACTIVITIES OF THE AUTHORITY

Development of Standards and Guidelines for activities in the Area

41. The Commission is required to formulate and submit to the Council for adoption all rules, regulations and procedures relating to activities in the Area. In this connection, the Commission had worked from 2014 to 2019 on the formulation of draft regulations for the exploitation of mineral resources in the Area. The draft regulations were submitted to the Council in 2019.²⁵ The regulations will be supported by standards and guidelines. The standards and guidelines are currently under development by the Commission based on a three-phase approach recommended to the Council during the twenty-fifth session in 2021. Under this approach, Phase 1 standards and guidelines should be completed at the time of the adoption of the draft regulations; Phase 2 Standards and Guidelines should be completed prior to the receipt of the first application for a plan of work for exploitation; and Phase 3 standards and guidelines should be completed by the time of commencement of commercial mining activities.²⁶

42. During the twenty-sixth session (2020-2021), the Commission devoted a considerable amount of time and resources to the development of all Phase 1 draft standards and guidelines. Ten draft standards and guidelines were presented to the Council during the twenty-seventh session.²⁷ Whilst these remain under consideration by the Council, it is anticipated that the standards and guidelines will need further revision once the text of the draft regulations is finalised, including to harmonize key terms and phrases. During the next five years the Commission is also expected to progress the development of phase 2 and 3 draft standards and guidelines.

43. In 2022, during the second part of the twenty-seventh session, the Council considered a proposal for the Authority to develop binding environmental threshold values.²⁸ During the third part of the meetings in the same year, the Council decided, inter-alia that these thresholds were to be developed as binding standards and as far as feasible, within phase 1 of the ongoing development of standards and guidelines. The development of these thresholds is to be led by the Commission and supported

²⁵ See ISBA/25/C/WP.1

²⁶ See ISBA/25/C/19/Add.1

²⁷ See ISBA/27/C/4, ISBA/27/C/5, ISBA/27/C/6, ISBA/27/C/6/Corr.1, ISBA/27/C/7, ISBA/27/C/8, ISBA/27/C/9, ISBA/27/C/10, ISBA/27/C/11 and ISBA/27/C/12

²⁸ See ISBA/27/C/30

by scientific and technical expertise of an intersessional expert group.²⁹ The current Commission as a matter of priority is expected to supervise and review a report by the expert group and thereafter put forward its findings for stakeholder consultation, following which it will present its recommendations to the Council for consideration and adoption.

Procedure and criteria for consideration of a request of the transfer of rights and obligations under a contract for exploration.

44. Article 20 of annex II to the Convention and section 22 of the standard clauses for contracts for exploration make provision for the transfer of rights and obligations by contractors with the consent of the Authority and in accordance with the relevant rules, regulations and procedures. However, the actual procedure and criteria by which the Authority would consider a request for such transfer is not specified. To this end, the Commission during the twenty-sixth session in 2021 adopted draft procedures and criteria for consideration of a request for a transfer of rights and obligations under a contract for exploration. This was presented to the Council in the form of a recommendation during the twenty-seventh session.³⁰

45. At the twenty-seventh session, the Council requested the Commission to further review the draft procedure and criteria considering the fee, the functional transfer of rights and obligations, the explicit consent of the sponsoring State, the format of the certificate of sponsorship, the notification to the sponsoring State, and the liabilities in case of transfer. This matter will be placed on the agenda of the Commission for 2023.³¹

C. ENVIRONMENTAL MANAGEMENT

Regional Environmental Management Plans

46. Article 145 of the Convention requires the Authority to take necessary measures in accordance with the Convention with respect to activities in the Area to ensure effective protection for the marine environment from harmful effects which may arise from such activities. A key policy tool to achieve the objectives set out in Article 145 is the development of regional environmental management plans (REMPs). The first REMP was adopted in 2012 for the Clarion-Clipperton Zone. Since then, the Council has encouraged the Secretariat and the Commission to progress the development of REMPs in priority areas, in particular where there are currently exploration contracts. Such areas include, in addition to the Clarion-Clipperton Zone, the Northern part of the Mid-Atlantic Ridge (nMAR), Indian Ocean and Northwest Pacific Ocean.

47. Since 2018, the Commission has led six expert workshops with assistance from the Secretariat to advance the review of the environmental management plan for the Clarion-Clipperton Zone (CCZ-EMP), and the development of new REMPs in the northern Mid-Atlantic Ridge, Indian Ocean and Northwest Pacific Ocean. To support the workshop discussions, available environmental data and information were compiled and synthesized in collaboration with various partners, facilitated by the Secretariat.

48. Three expert workshops have been planned in 2023 and 2024, including one for the Northwest Pacific Ocean and two for the Indian Ocean to support the development of REMPs in these priority regions. The incoming Commission will be required to lead this expert process and the subsequent development of REMPs. The development

²⁹ See ISBA/27/C/42

³⁰ ISBA/27/C/35, Annex I

³¹ See ISBA/27/C/44, paragraph 12.

and implementation of REMPs will be further supported through efforts and initiatives being pursued under the Action Plan for Marine Scientific Research in support of the UN Decade of Ocean Science for Sustainable Development (ISBA/26/A/4). Flagship projects are being implemented under the six strategic research priorities identified under the Action Plan, for example the Sustainable Seabed Knowledge Initiative to advance deep-sea taxonomy and data sharing.³² Knowledge gaps identified through the REMP process can be further investigated through collaborative research projects under the Action Plan. The Commission will be invited to provide guidance and participate in such collaborative research projects.

49. In May 2021, the Commission completed its work on the draft nMAR-REMP drawing on the outcomes from three expert workshops for this region. The draft REMP was presented to the Council during the twenty-seventh session. The Council decided to postpone consideration of the draft REMP pending adoption of a standardized procedure for the development, review and approval of REMPs, and further decided that the Commission should review the draft nMAR-REMP in light of such procedure.

50. With regard to the standardized approach, it is recalled that, in its decision ISBA/26/C/10, the Council had requested the Commission to formulate a standardized approach to facilitate the development, implementation and review of REMPs in the Area, including a template for REMPs with indicative elements. In 2022, during the twenty-seventh session, the Commission presented its recommendations (ISBA/27/C37) to the Council. Following consideration, the Council requested the Commission to further review the draft in light of some specific considerations and also invited written comments by stakeholders on the draft, to be submitted by 15 January 2023. It is anticipated that the draft standardized procedure, including comments from stakeholders, will be placed on the agenda for the Commission in March 2023.

Recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration.

51. The first version of the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area was promulgated by the Commission in 2001.³³ Since then, the recommendations have been reviewed in the light of experience and new scientific data and information.³⁴ The current version of the recommendations is contained in documents ISBA/25/LTC/6/Rev.1 and ISBA/25/LTC/6/Rev.1/Corr.1. The most recent revision to the recommendations was adopted by the Commission in 2022 in relation to the process for reviewing environmental impact statements for testing of mining components or other activities requiring an environmental impact assessment during exploration, in particular in relation to stakeholder consultation processes.³⁵

52. In accordance with the recommendations, the Commission has reviewed four environmental impact statements since 2017, with the most recent in 2022. Although

³² <https://www.isa.org.jm/sski>

³³ See ISBA/7/LTC/1/Rev.1

³⁴ See recommendations issued in 2010 ISBA/16/LTC.7, recommendations issued in 2013- ISBA/19/LTC/8, recommendations issued in 2020 ISBA/25/LTC ISBA/25/LTC/6/Rev.1 and ISBA/25/LTC/6/Rev./Corr.1

³⁵ See revised section E of document ISBA/25/LTC/6/Rev.2, entitled “Process for reviewing the environmental impact statement in relation to the testing of mining components or other activities requiring an environmental impact assessment during exploration”, and new paragraphs 65 to 68 in annex I thereto, entitled “Explanatory commentary”. ISBA/25/LTC/6/Rev.2 replaces documents ISBA ISBA/25/LTC/6/Rev.1 and ISBA/25/LTC/6/Rev.1/Corr.1, effective 8 July 2022.

it cannot be estimated how many such reviews will be required in the next five years, it is noted that testing of mining components will be a requisite part of progressing from exploration to exploitation. At the same time, the Council has invited the Commission to further consider the process for review, including stakeholder consultation.

Data management strategy of the Authority

53. In 2015, the Council requested the Secretariat to provide a draft data management strategy and financial implications of its implementation (see ISBA/21/C/16, paragraph 36). In response to that request, the Commission in 2016 undertook a review of the current data management arrangements by the Secretariat. For this purpose, the Commission created a working group on data management strategy. The working group conducted a preliminary review of the data and information management infrastructure as well as the existing hardware within the Secretariat and identified key aspects for implementation in its report ISBA/22/LTC/15.³⁶

54. In line with these recommendations, the Secretariat has undertaken a number of initiatives in the implementation of a data management strategy such as the launch of the Deep Data website in 2019;³⁷ the establishment of several partnerships and collaborations with other United Nations agencies and members of the scientific community for the purpose of data sharing, and access to data products and tools as well as technical expertise. The Secretariat has also prepared a draft data management strategic plan for 2022-2026. The Commission will be called upon to provide guidance and technical expertise in achieving the objectives of the data management strategic plan of the Authority.

D. ADDITIONAL ITEMS

55. In addition to the above, several matters remain on the agenda of the Commission from previous years. Whilst some of these have been partially considered, the Commission has in some cases not arrived at a conclusion or had deferred consideration of the issue. The Commission may wish to consider options on how to address these issues, including timelines for their consideration.

56. These issues are:

(a) Issues relating to the sponsorship by States of contracts for exploration in the Area, with particular attention to the test of effective control, as well as issues related to monopolization of activities in the Area, taking into consideration, in particular, the concept of abuse of a dominant position.³⁸

(b) Review of the provisions of the regulations on prospecting and exploration relating to the option of offering an equity interest in a joint venture arrangement, with a view to aligning all regulations in that respect and to making a recommendation thereon for consideration by the Council at its next session.³⁹

³⁶ See ISBA/22/LTC/15

³⁷ See Article 143(2) of the United Nations Convention on the Law of the Sea

³⁸ See paragraph 4 of ISBA/17/C/20 where Council had requested the Commission to analyse regulation 11.2 on the Regulations on Prospecting and Exploration for Polymetallic Nodules and sulphides relating to effective control. See also the following background documents: ISBA/20/LTC/10, ISBA/20/LTC/12 and ISBA/22/LTC/13, and the Commission's conclusions on these issues in ISBA/22/C/17.

³⁹ See paragraph 13 of ISBA/22/C/28 and ISBA/24/LTC/4

(d) Issues associated with the conduct of marine scientific research in exploration areas.⁴⁰

57. It should be stressed that this is an indicative programme that may evolve in the light of future requests from the Council over the five-year period under consideration, as well as the pace of development of activities in the Area and the time taken by the Commission to deal with each matter. Many matters on the agenda require considerable advance preparation, including technical studies and expert advice. In this regard, it is apparent that the workload of the Commission has increased substantially over the past five years and continues to increase in the light of additional requests from the Council, as well as increasing activities in the Area.

⁴⁰ See ISBA/22/C/3 and part XV of ISBA/22/C/30

Annex I

Summary of major works and achievements of the Commission during the last tenure (2017-2022)

Table 1
Consideration of applications for approval of plans of work for exploration

<i>No.</i>	<i>Applicants</i>	<i>Minerals</i>	<i>Year</i>	<i>Related documents</i>
1	Government of Poland	PMS	2017	ISBA/23/C/11
2	Beijing Pioneer Hi-Tech Development Corporation	PMN	2019	ISBA/25/C/30
3	Blue Minerals Jamaica Ltd.	PMN	2020	ISBA/26/C/22
4	Circular Metals Tuvalu Ltd.	PMN	2021	

A total of 4 applications were considered by the Commission

Abbreviation: PMN, polymetallic nodules; PMS, polymetallic sulphides.

Table 2
Consideration of an application for extension of an approved plan of work for exploration

<i>No.</i>	<i>Applicants</i>	<i>Minerals</i>	<i>Years</i>	<i>Related documents</i>
1	Interoceanmetal Joint Organization	PMN	2016, 2021	ISBA/26/C/49
2	JSC Yuzhmorgeologiya	PMN	2016, 2021	ISBA/26/C/50
3	Republic of Korea	PMN	2016, 2021	ISBA/26/C/51
4	China Ocean Mineral Resource R&D Association	PMN	2016, 2021	ISBA/26/C/53
5	Deep Ocean Resources Development	PMN	2016, 2021	ISBA/26/C/52
6	Institut français de recherche pour l'exploitation de la mer	PMN	2016, 2021	ISBA/26/C/54
7	Government of India	PMN	2017, 2022	ISBA/27/C/18
8	Federal Institute for Geosciences and Natural Resources	PMN	2021	ISBA/26/C/55

A total of 15 applications for extension were considered by the Commission

Table 3
Consideration of the annual reports of contractors

<i>Years</i>	<i>Number of annual reports</i>
2017	28
2018	28
2019	28
2020	29
2021	30
2022	31

A total of 174 annual reports were evaluated by the Commission

Table 4
Selection of candidates for contractors' training programme

<i>Year</i>	<i>Contractors</i>	<i>Types of training</i>	<i>Number of trainees</i>	<i>Applications reviewed</i>	<i>Documents</i>
2017		At-sea	16	156	ISBA/23/LTC/4
		Internships & Fellowships	5	69	ISBA/23/LTC/7
		Seminar	3	33	ISBA/24/LTC/5
2018		At-sea	29	238	ISBA/24/LTC/5
		Engineering	2	10	ISBA/24/LTC/9
		Internship & Fellowships	16	112	ISBA/25/LTC/5
		Seminar	4	40	
2019		At-sea	12	74	ISBA/25/LTC/5
		Internship & Fellowships	11	62	ISBA/26/LTC/3
		Prof. Dev. Training	2	2	
2020		At-sea	8	57	ISBA/26/C/3
		Internship & Fellowships	39	72	ISBA/26/LTC/3
		Seminar/ Workshop	5	10	ISBA/26/LTC/9
2021		At-sea	15	116	ISBA/26/LTC/9
		Internship & Fellowships	13	97	ISBA/27/LTC/5

<i>Year</i>	<i>Contractors</i>	<i>Types of training</i>	<i>Number of trainees</i>	<i>Applications reviewed</i>	<i>Documents</i>
		Seminar/ Workshop	1	8	
		Virtual Theoretical training	27	51	
2022		At-sea	19	108	ISBA/27/LTC/5
		Internship & Fellowships	26	91	ISBA/27/LTC/7
		Workshop	6	14	

The Commission selected 249 candidates from 1420 applications for approximately 84 training programmes

Table 5

Rules, regulations and procedures adopted or proposed by the Commission.

<i>Year</i>	<i>Document</i>	<i>Title</i>
2019	ISBA/25/LTC/8	Recommendations for the guidance of contractors on the relinquishment of areas under exploration contracts for polymetallic sulphides or cobalt-rich ferromanganese crusts
2019	ISBA/25/C/WP.1	Working draft exploitation regulations
2020	ISBA/25/LTC/6/ Rev.1 and ISBA/25/6/Rev.2 /Corr.1	Recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area
2021	ISBA/27/C/3- ISBA/27/C/12	Submission of 10 sets of draft standards and guidelines
2021	ISBA/26/C/43	Review of the implementation of the Environmental Management Plan for the Clarion-Clipperton Zone and the establishment of four additional areas of particular environmental interest (APEIs);
2022	ISBA/27/C/37	draft Regional Environmental Management Plan (REMP) for the area of the northern Mid-Atlantic Ridge
2022	ISBA/27/C/38	draft standardized approach for the development of REMPs;
2022	ISBA/27/C/35	draft procedure and criteria for consideration of a request of transfer rights and obligations under an exploration contract

Annex II

Status of approved contracts for exploration

A. Contracts for exploration for polymetallic nodules

<i>Contractor</i>	<i>Date of entry into force</i>	<i>Sponsoring State(s)</i>	<i>General location of the exploration area</i>	<i>Date of expiry</i>
1 Interoceanmetal Joint Organization	29 March 2001 29 March 2016 ^a 29 March 2021 ^b	Bulgaria, Cuba, Czechia, Poland, Russian Federation, Slovakia	Clarion-Clipperton Fracture Zone	28 March 2016 28 March 2021 28 March 2026
2 JSC Yuzhmorgeologiya	29 March 2001 29 March 2016 ^a 29 March 2021 ^b	Russian Federation	Clarion-Clipperton Fracture Zone	28 March 2016 28 March 2021 28 March 2026
3 Government of the Republic of Korea	27 April 2001 27 April 2016 ^a 27 April 2021 ^b	–	Clarion-Clipperton Fracture Zone	26 April 2016 26 April 2021 26 April 2026
4 China Ocean Mineral Resources Research and Development Association	22 May 2001 22 May 2016 ^a 22 May 2021 ^b	China	Clarion-Clipperton Fracture Zone	21 May 2016 21 May 2021 21 May 2021
5 Deep Ocean Resources Development Co. Ltd.	20 June 2001 20 June 2016 ^a 20 June 2021 ^b	Japan	Clarion-Clipperton Fracture Zone	19 June 2016 19 June 2021 19 June 2026
6 Institut français de recherche pour l'exploitation de la mer	20 June 2001 20 June 2016 ^a 20 June 2021 ^b	France	Clarion-Clipperton Fracture Zone	19 June 2016 19 June 2021 19 June 2026
7 Government of India	25 March 2002 25 March 2017 ^c 25 March 2022 ^d	–	Central Indian Ocean Basin	24 March 2017 24 March 2022 24 March 2027
8 Federal Institute for Geosciences and Natural Resources	19 July 2006 19 July 2021 ^e	Germany	Clarion-Clipperton Fracture Zone	18 July 2021 18 July 2026
9 Nauru Ocean Resources Inc.	22 July 2011	Nauru	Clarion-Clipperton Fracture Zone (reserved area)	21 July 2026
10 Tonga Offshore Mining Limited	11 January 2012	Tonga	Clarion-Clipperton Fracture Zone (reserved area)	10 January 2027
11 Global Sea Mineral Resources NV	14 January 2013	Belgium	Clarion-Clipperton Fracture Zone	13 January 2028
12 UK Seabed Resources Ltd.	8 February 2013	United Kingdom of Great Britain and Northern Ireland	Clarion-Clipperton Fracture Zone	7 February 2028

13	Marawa Research and Exploration Ltd.	19 January 2015	Kiribati	Clarion-Clipperton Fracture Zone (reserved area)	18 January 2030
14	Ocean Mineral Singapore Pte. Ltd.	22 January 2015	Singapore	Clarion-Clipperton Fracture Zone (reserved area)	21 January 2030
15	UK Seabed Resources Ltd.	29 March 2016	United Kingdom	Clarion-Clipperton Fracture Zone	28 March 2031
16	Cook Islands Investment Corporation	15 July 2016	Cook Islands	Clarion-Clipperton Fracture Zone (reserved area)	14 July 2031
17	China Minmetals Corporation	12 May 2017	China	Clarion-Clipperton Fracture Zone (reserved area)	11 May 2032
18	Beijing Pioneer HiTech Development Corporation	18 October 2019	China	Western Pacific Ocean	17 October 2034
19	Blue Minerals Jamaica Ltd	4 April 2021	Jamaica	Clarion-Clipperton Fracture Zone (reserved area)	3 April 2036

^a Five-year extension of contract granted at the twenty-second session (2016).

^b Second five-year extension of contract granted at the twenty-sixth session (2021)

^c First five-year extension of contract granted at the twenty-third session (2017)

^d Second five-year extension of contract granted at the twenty-seventh session (2022)

^e First five-year extension of contract granted at the twenty-sixth session (2021)

B. Contracts for exploration for polymetallic sulphides

	<i>Contractors</i>	<i>Date of entry into force</i>	<i>Sponsoring States</i>	<i>General location of the exploration area</i>	<i>Date of expiry</i>
1	China Ocean Mineral Resources Research and Development Association	18 November 2011	China	South-west Indian Ridge	17 November 2026
2	Government of the Russian Federation	29 October 2012	Russia	Mid-Atlantic Ridge	28 October 2027
3	Government of the Republic of Korea	24 June 2014	Korea	Central Indian Ocean	23 June 2029
4	Institut français de recherche pour l'exploitation de la mer	18 November 2014	France	Mid-Atlantic Ridge	17 November 2029
5	Federal Institute for Geosciences and Natural Resources	6 May 2015	Germany	Central Indian Ridge and South-east Indian Ridge	5 May 2030
6	Government of India	26 September 2016	–	Indian Ocean Ridge	25 September 2031
7	Government of Poland	12 February 2018	Poland	Mid-Atlantic Ridge	11 February 2033

C. Contracts for exploration for cobalt-rich ferromanganese crusts

	<i>Contractors</i>	<i>Date of entry into force</i>	<i>Sponsoring States</i>	<i>General location of the exploration area</i>	<i>Date of expiry</i>
1	Japan Oil, Gas and Metals National Corporation	27 January 2014	Japan	Western Pacific Ocean	26 January 2029
2	China Ocean Mineral Resources Research and Development Association	29 April 2014	China	Western Pacific Ocean	28 April 2029
3	Ministry of Natural Resources and Environment of the Russian Federation	10 March 2015	–	Magellan Mountains in the Pacific Ocean	9 March 2030
4	Companhia de Pesquisa de Recursos Minerais S.A.	9 November 2015	Brazil	Rio Grande Rise in the South Atlantic Ocean	Rescinded*
5	Government of the Republic of Korea	27 March 2018	Korea	East of the Northern Mariana Islands in the Pacific Ocean	26 March 2033

*Exploration contract of Companhia de Pesquisa de Recursos Minerais S.A. was effectively terminated on 27 June 2022 as a result of withdrawal of sponsorship by Brazil.