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Agenda item 9

**Consideration, with a view to approval, of applications
for a plan of work for exploration**

Application for approval of a plan of work for exploration for cobalt rich-ferromanganese crusts submitted by the Earth System Science Organization-Ministry of Earth Sciences of the Government of India

Report of the Legal and Technical Commission

I. Introduction

1. On 18 January 2024, the Secretary-General of the International Seabed Authority received an application for approval of a plan of work for exploration for cobalt-rich ferromanganese crusts in the Afanasy Nikitin Seamount in the Central Indian Ocean, submitted by the Earth System Science Organization-Ministry of Earth Sciences of the Government of India, pursuant to the regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area (ISBA/18/A/11, annex).
2. Also on 18 January 2024, in accordance with regulation 22, paragraph (c), the Secretary-General notified the members of the Authority of the receipt of the application and circulated information of a general nature concerning the application. Also on the same date, the Secretary-General notified the members of the Legal and Technical Commission and placed consideration of the application on the agenda of the Commission for discussion during the first part of its twenty-ninth session, to be held from 4 to 15 March 2024.

II. Consideration of the application

3. The Commission considered the application during the first part of its twenty-ninth session, on 5 and 6 and 13 March 2024, and during its second part, from 8 to 11 July 2024.
4. On 7 March, the Legal and Technical Commission, through the Secretary-General, sent questions to the applicant, noting that the area of the application was completely contained within the submission of another State that was before the



Commission on the Limits of the Continental Shelf and seeking written comment from the applicant. On 12 March, the applicant indicated that the responses would be provided after the close of the meeting of the Legal and Technical Commission. Accordingly, the Legal and Technical Commission was unable to continue to evaluate the application during the first part of its twenty-ninth session.

5. At the commencement of the second part of its twenty-ninth session, the Legal and Technical Commission took note that, on 28 May 2024, the Secretary-General had communicated responses from the Government of India to the questions posed in paragraph 4 above.

6. Furthermore, during its meetings, the Legal and Technical Commission noted that, on 17 April 2024, it had received a letter from the Secretary-General conveying a note verbale from the Permanent Mission of Sri Lanka. In the note verbale, the Permanent Mission formally informed the Legal and Technical Commission that the application area had been claimed by Sri Lanka in its submission to the Commission on the Limits of the Continental Shelf and was pending final recommendations. The Permanent Mission requested that consideration of the application by the Authority be withheld until final recommendations were made on the Sri Lankan submission to the Commission on the Limits of the Continental Shelf.

III. Conclusion

7. In the light of the above-mentioned facts, the responses provided by the applicant, the United Nations Convention on the Law of the Sea and the regulations, and:

(a) Having noted that the area under application is fully located within the submission by Sri Lanka that is pending before the Commission on the Limits of the Continental Shelf;

(b) Recognizing that, in accordance with article 134 of the United Nations Convention on the Law of the Sea, the Authority does not have competence to consider this application until all processes related to the establishment of the outer limits of the continental shelf for this area have been resolved;

(c) Recalling that, according to the standard of significant uncertainty, the exercise of caution is called for in circumstances where there may be a risk of prejudice to the interests of other coastal States or of the international community;¹

the Legal and Technical Commission is not in a position to consider this application until all processes related to the establishment of the outer limits of the continental shelf for the area concerned have been resolved.

¹ International Tribunal for the Law of the Sea, Special Chamber, *Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)*, Judgment, 28 April 2023, paragraphs 452 and 453.