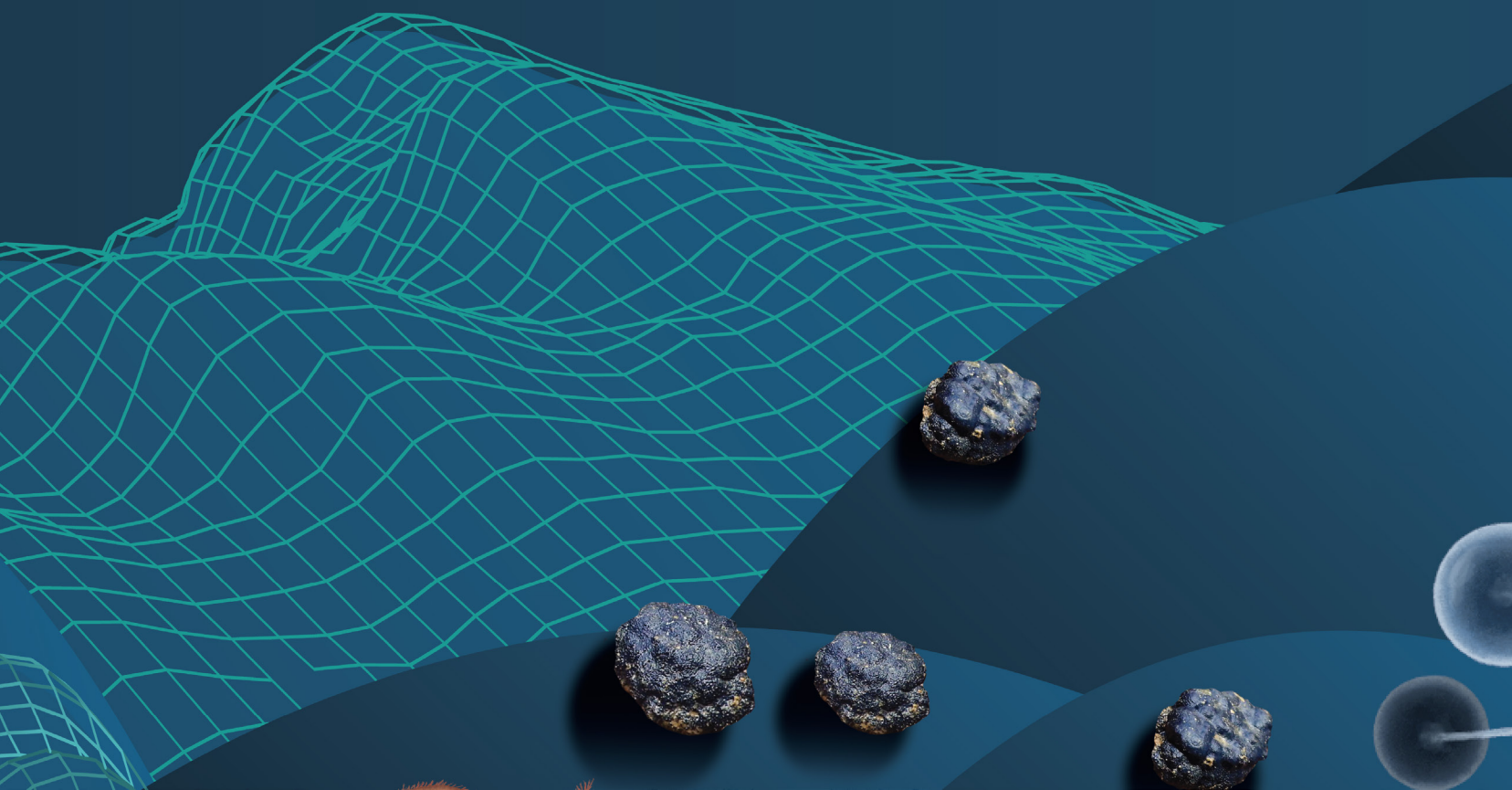




29th Session

Selected decisions and documents





29th Session

Selected decisions and documents

INTERNATIONAL SEABED AUTHORITY

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**Annual report of the Secretary-General under article 166,
paragraph 4, of the Convention**

Report of the Secretary-General of the International Seabed Authority under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea

I. Introduction

1. The present report is submitted to the Assembly of the International Seabed Authority pursuant to article 166, paragraph 4, of the United Nations Convention on the Law of the Sea. It provides information on the work of the Authority for the period from July 2023 to April 2024.

2. Following the practice developed since 2020, the annual report of the Secretary-General is presented in two formats. The present report provides information on the status of the Convention and related legal instruments, the status of the Area, the status of contributions to the budget of the Authority, the status of contracts for exploration in the Area, a summary of the main outcomes of the previous session of the Authority and other noteworthy information. It should be read in conjunction with the fully illustrated annual report for 2024, entitled “Leading precautionary and responsible governance of the ocean global commons based on science, solidarity and transparency”.

II. Membership of the Authority

3. All States parties to the Convention are ipso facto members of the Authority.¹ As at 30 April 2024, there were 169 parties to the Convention (168 States and the European Union), and thus there were 169 members of the Authority. The membership has remained unchanged since Rwanda became a party to the Convention on 18 May 2023. As at 30 April 2024, there are 152 parties 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 (1994 Agreement). This almost universal membership has strengthened the Part XI regime over the past 30 years.

* [ISBA/29/A/L.1](#).

¹ In accordance with article 156, paragraph 2, of the Convention.



4. There are 17 members of the Authority that became parties to the Convention before the adoption of the 1994 Agreement and have yet to become parties to it, namely Bahrain, the Comoros, the Democratic Republic of the Congo, Djibouti, Dominica, Egypt, the Gambia, Guinea-Bissau, Iraq, Mali, the Marshall Islands, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Somalia and the Sudan.

5. As provided under General Assembly resolution [48/263](#) and the 1994 Agreement, the provisions of the latter and of Part XI of the Convention are to be interpreted and applied together as a single instrument. In the event of any inconsistency between the 1994 Agreement and Part XI of the Convention, the provisions of the Agreement shall prevail. Although members of the Authority that are not parties to the 1994 Agreement participate in the work of the Authority under arrangements based on the Agreement, becoming a party to the 1994 Agreement would remove any incongruity that currently exists for those States. The Secretary-General encourages those States to become parties to the 1994 Agreement at the earliest possible opportunity. The secretariat sent a note verbale to each of those States on 15 February 2024.

III. The Area

6. The Area is defined in the Convention as the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction. Establishing the exact geographical limits of the Area thus depends on the delineation of the limits of national jurisdiction, including the delineation of the continental shelf extending beyond 200 nautical miles from the baseline of the territorial sea. Pursuant to article 84, paragraph 2, of the Convention, coastal States are obliged to give due publicity to charts or lists of geographical coordinates and, in the case of those showing the outer limit lines of the continental shelf, to deposit a copy of each such chart or list with the Secretary-General of the Authority. As at 30 April 2024, 16 members of the Authority had deposited such charts and lists with the Secretary-General, namely Australia, Cabo Verde, the Cook Islands, Côte d'Ivoire, France (with respect to Guadeloupe, Guyana, the Kerguelen islands, Martinique, New Caledonia, Reunion and the Saint-Paul et Amsterdam islands), Ghana, Ireland, Mauritius, Mexico, New Zealand, Niue, Pakistan, the Philippines, Poland, Senegal and Tuvalu.

7. The Secretary-General urges all coastal States to deposit the charts or lists of coordinates as soon as possible after the establishment of the outer limit lines of their continental shelf, up to and beyond 200 nautical miles, in accordance with the relevant provisions of the Convention. Knowledge of the precise delineation of all areas of the continental shelf up to and beyond 200 nautical miles is critical to allow the establishment of the geographical limits of the Area with certainty. Each year, the secretariat sends out a note verbale requesting the deposit of such charts or lists of coordinates. The last such note was sent out on 22 February 2024.

IV. Permanent missions to the Authority

8. As at 30 April 2024, 39 members maintained permanent missions to the Authority: Algeria, Antigua and Barbuda, Argentina, Bangladesh, Belgium, Brazil, Burkina Faso, Cameroon, Chile, China, Costa Rica, Cuba, Cyprus, Dominican Republic, France, Gabon, Germany, India, Indonesia, Italy, Jamaica, Japan, Malta, Mauritania, Mauritius, Mexico, Namibia, Nauru, Nigeria, Panama, Philippines, Republic of Korea, Russian Federation, Sierra Leone, South Africa, Spain, Trinidad and Tobago, Zimbabwe and the European Union.

9. During the reporting period, the new permanent representatives of six States presented their credentials to the Secretary-General, namely Burkina Faso, India, Indonesia, Mauritania, the Philippines and Sierra Leone.

V. Protocol on the Privileges and Immunities of the International Seabed Authority

10. The Protocol on the Privileges and Immunities of the International Seabed Authority was adopted by the Assembly on 27 March 1998 and entered into force on 31 May 2003. The total number of parties to the Protocol remains at 48: Albania, Antigua and Barbuda, Argentina, Austria, Brazil, Bulgaria, Burkina Faso, Cameroon, Chile, Croatia, Cuba, Czechia, Denmark, Egypt, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Guyana, India, Iraq, Ireland, Italy, Jamaica, Jordan, Lithuania, Mauritius, Mozambique, Netherlands (Kingdom of the), 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 10 States have signed the Protocol but have yet to ratify it: Bahamas, Côte d'Ivoire, Indonesia, Kenya, Malta, Namibia, North Macedonia, Pakistan, Saudi Arabia and Sudan.

11. Members of the Authority that are not yet parties to the Protocol are strongly encouraged to take the steps necessary to become parties to the Protocol at their earliest convenience. The secretariat sent out a note verbale to that effect on 15 February 2024.

VI. Administrative matters

A. Secretariat

12. The secretariat is one of the principal organs of the Authority. In accordance with article 166 of the Convention, the secretariat comprises a Secretary-General and such staff as the Authority may require. The number of established posts in the secretariat as at 30 April 2024 was 55 (32 Professional, 2 National Professional Officers and 21 General Service), held by staff of 28 different nationalities. As a result of the Secretary-General's commitment to increase the representation of women, 57 per cent of secretariat staff members are women, and 50 per cent of senior management positions are held by women.

13. During the reporting period, the secretariat processed 12 job openings on the Inspira platform. By the end of April 2024, 10 of the 12 vacancies had been filled and new staff members had been onboarded. During the first quarter of 2024, one staff member left the organization at the expiration of his appointment and four consultants were hired to support programmatic activities and operations.

B. Participation in the common system of the United Nations

14. The Authority applies the common system of salaries, allowances and other conditions of service of the United Nations and the specialized agencies of the United Nations system. It subscribed to the statute of the International Civil Service Commission (ICSC), with effect from January 2013.

15. As a participant in the United Nations common system of organizations, the Authority contributes to and participates in the work of ICSC and utilizes common system services and tools such as Inspira, the United Nations Global Centre for

Human Resources Services (“One HR”), the Department of Safety and Security, the United Nations Appeals Tribunal and the United Nations System Staff College. The Authority also contributes to the United Nations security management system. This ensures access to disaster evacuation arrangements and medical evacuations and participation in the Inter-Agency Security Management Network and relevant working groups on security training. The Authority is not currently a member of the United Nations System Chief Executives Board for Coordination but has joined its Human Resources Network and Finance and Budget Network as an observer. The Authority led the 2023 comprehensive local salary survey, which was initiated by ICSC, leading to an increase in salary for staff members in the General Services category by 21.75 per cent and for National Professional Officers by 13.5 per cent, applicable to all organizations and agencies of the United Nations common system at the duty station in Kingston. In addition, the Authority implemented the new parental leave framework adopted by ICSC, providing for 26 weeks of parental leave, to be applied retroactively. While this is a positive development, it has led in some cases to shortages of staff and the need to recruit temporarily in order to maintain the delivery of services to member States.

16. On 16 November 2022, the secretariat received a notification from the United Nations System Chief Executives Board for Coordination forwarding a proposal from the Fifth Committee of the United Nations General Assembly to amend articles 10 (b) and 11 (c) of the ICSC statute and requesting specialized and related agencies to provide written opinions on the proposed amendment and the process of obtaining a written notification of acceptance. During the twenty-eighth session, acting on a recommendation of the Council, the Assembly accepted the amendments² and the Secretary-General notified the Secretary-General of the United Nations of this acceptance on 3 October 2023.

VII. Financial matters

A. Budget

17. With the supplementary budget adopted by the Assembly in July 2023,³ the budget of the Authority for the financial period 2023–2024 is \$22,712,940.

B. Status of contributions

18. In accordance with the Convention and the 1994 Agreement, the administrative expenses of the Authority are to be met by assessed contributions of its members until the Authority has sufficient funds from other sources to meet its administrative expenses. The scale of assessments for this purpose is based on the scale used for the regular budget of the United Nations, adjusted for differences in membership, with a ceiling assessment rate of 22 per cent and a floor assessment rate of 0.01 per cent.

19. Since 2013, the Authority has also applied a system of cost recovery whereby contractors are required to pay an annual overhead charge representing the cost of services provided to them by the Authority. For the financial period 2023–2024, overhead charges are anticipated to account for approximately 22 per cent of the revenues of the Authority.

² [ISBA/28/A/14](#).

³ [ISBA/28/A/15](#).

20. As at 30 April 2024, 60 per cent of the value of contributions to the 2024 budget due from member States and the European Union had been received. As at the same date, outstanding contributions from member States for prior periods (1998–2023) amounted to \$578,019.11. Notices are sent regularly to member States, reminding them of the arrears. In accordance with article 184 of the Convention and rule 80 of the rules of procedure of the Assembly, a member of the Authority that is in arrears in the payment of its financial contributions shall have no vote if the amount of its arrears equals or exceeds the amount of contributions due from it for the preceding two years. In addition, the Secretary-General will communicate to the President of the Assembly the list of members in arrears prior to the twenty-ninth session of the Assembly.

21. As at 30 April 2024, the balance of the working capital fund stood at \$740,836, against an approved level of \$750,000.

C. Voluntary trust fund for members of the Legal and Technical Commission and the Finance Committee

22. The voluntary trust fund to cover the costs of participation of members of the Legal and Technical Commission and the Finance Committee from developing countries was established in 2002. As at 30 April 2024, the total contributions to the fund over its lifetime amounted to \$1,444,167. During the reporting period, contributions were made by the Philippines (\$12,500), Mexico (\$10,000) and the United Kingdom (\$12,243), and three contractors contributed \$6,000 each.⁴ As at the same date, the balance of the fund was \$22,211.

D. Voluntary trust fund for members of the Council

23. At its twenty-third session in 2017, the Assembly requested the Secretary-General to establish a voluntary trust fund to support the participation of members of the Council from developing States in the additional meetings of the Council convened to work on the draft regulations for exploitation, ensuring inclusive participation.⁵ During the reporting period, contributions were made by France (\$21,575), Nauru (\$3,342), the Kingdom of the Netherlands (\$15,470), the Philippines (\$7,500), Portugal (\$10,946) and the United Kingdom (\$12,243). As at 30 April 2024, the total contributions to the fund over its lifetime amounted to \$223,807. As at the same date, the balance of the fund was \$37,514.

E. International Seabed Authority Partnership Fund

24. The International Seabed Authority Partnership Fund was established on 3 August 2022 by the Assembly at its twenty-seventh session.⁶ This multi-donor trust fund is aimed at promoting and encouraging marine scientific research in the Area for the benefit of humankind. It is also aimed at contributing to dedicated capacity development programmes and activities aligned with the priority needs identified by developing member States of the Authority. During the reporting period, contributions to the fund were made by France (\$107,281), Monaco (\$21,518), the Russian Federation (\$90,024) and Spain (\$4,781.36).

⁴ Tonga Offshore Mining Ltd., Nauru Ocean Resources Inc. (NORI) and Marawa Research and Exploration Ltd.

⁵ [ISBA/23/A/13](#).

⁶ [ISBA/27/A/10](#) and [ISBA/27/FC/3](#).

25. The second meeting of the Board of the Fund was held on 29 January 2024. Members⁷ agreed to endorse strategic priorities and proposed activities for 2024 in support of the implementation of strategic research priorities of the action plan of the Authority in support of the United Nations Decade of Ocean Science for Sustainable Development (the action plan for marine scientific research)⁸ and the key result areas of the capacity development strategy of the Authority.⁹ The Board of the Fund approved financial support for the following five projects: the Deep Sea Academy for African Diplomats, development of a data visualization platform of the Area for the benefit of humankind, enhancing the knowledge of African experts in deep-sea research through the establishment of the International Seabed Authority-Egypt joint training and research centre, promoting deep-sea research in the Indian Ocean to advance knowledge and understanding in support of seabed minerals exploration, and advancing the Caribbean blue economy through the Centre for Excellence for Oceanography and the Blue Economy.

F. Trust fund for extrabudgetary support for the Authority

26. The Authority receives extrabudgetary funds from member States and other donors to support activities not funded by the approved budget of the Authority. These may be one-off contributions or funds to support multi-year programmes or projects, used in accordance with the terms agreed with the donors, including reporting and audit requirements.

27. In March 2018, the Secretary-General created a multi-donor trust fund for extrabudgetary support for the activities of the Authority. The fund was established pursuant to regulation 5.5 of the Financial Regulations of the Authority and is administered in accordance with the Financial Regulations. Since its creation, the fund has raised \$2,271,004 and had a net balance of \$570,865 as at 30 April 2024. In addition, the European Union contributed \$208,024 to the Sustainable Seabed Knowledge Initiative project.

VIII. Previous sessions of the Authority

A. Twenty-eighth session

28. The twenty-eighth session of the Assembly was held in Kingston from 24 to 28 July 2023. The Assembly elected Alhaji Fanday Turay (Sierra Leone) as its President. Belgium, Trinidad and Tobago and Singapore were elected as Vice-Presidents.

29. During the twenty-eighth session, the Assembly considered the annual report of the Secretary-General, submitted in accordance with article 166, paragraph 4, of the Convention. The Assembly approved eight applications for observer status.¹⁰ In its decision to approve a supplementary budget for the financial period 2023–2024, the Assembly took note of the forecast budgetary requirements associated with the

⁷ The members of the Board are: Md. Kurshed Alam, Marie Bourrel-Mc Kinnon, Wan-huy Choi, José Dallo, Dwight Gardiner, Neville Gertze, Erasmo Lara Cabrera, Jorun Sigrid Nossun and Bharat Raj Paudyal.

⁸ [ISBA/26/A/17](#).

⁹ [ISBA/27/A/11](#).

¹⁰ These were received from the China Biodiversity Conservation and Green Development Foundation, the Te Ipukarea Society, the Norwegian Forum for Marine Minerals, the Arayara International Institute, the Minderoo Foundation, the Sustainable Ocean Alliance, the International Council on Mining and Metals and the Environmental Justice Foundation Charitable Trust.

anticipated evolution of the work of the Authority over the period from 2025 to 2030, and of the need to ensure adequate capacity and resources necessary to fulfil its obligations under the Convention and the 1994 Agreement.¹¹

30. The Assembly decided to include the periodic review of the international regime of the Area pursuant to article 154 of the Convention as an agenda item for the twenty-ninth session of the Assembly,¹² with a view to adopting a decision. The Assembly also requested the Finance Committee to consider and report to the Assembly at its next meeting the budgetary implications pertaining to the undertaking of a second periodic review.

31. The Assembly also decided to extend the strategic plan of the Authority for the period 2019–2023 by two years and requested the Secretary-General to review the high-level action plan for the period 2019–2023 with a view to extending it to bring it in line with the strategic plan.¹³ The Secretary-General will present a report on these matters for the consideration of the Assembly during the twenty-ninth session.

32. The Assembly elected Xing Chaohong (China) to fill the vacant seat on the Finance Committee left by Kejun Fan (China) for the remainder of his term. Upon a recommendation of the Finance Committee and of the Council, the Assembly adopted a supplementary budget proposal to cover the costs of the establishment of the position of an interim Director General of the Enterprise.¹⁴

33. The Assembly approved the memorandum of understanding between the Authority and the International Relations Institute of Cameroon with a view to formalizing their cooperation in order to design and implement a dedicated capacity development programme to address the specific needs of member States in the region and establish a dedicated curriculum on Part XI of the Convention for African diplomats, in order to support the development of enhanced knowledge and expertise in African countries, including by developing a series of activities for the dissemination of knowledge and expertise on the law of the sea and in relation to matters pertaining to the implementation of Part XI of the Convention and the 1994 Agreement in Africa. The Assembly also approved the memorandum of understanding between the Authority and the National Institute of Oceanography and Fisheries of Egypt for the establishment of a joint regional training and research centre.

34. The Assembly requested the Secretary-General to report to the Council at its meeting in March 2024 on the potential overlap of the mandates of the OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic and the Authority in the light of the decision of the OSPAR Commission to extend the scope of the North Atlantic current and Evlanov Sea basin marine protected area by including the Area.

35. The twenty-eighth session of the Council was held in three parts: the first part from 16 to 31 March 2023, the second part from 10 to 21 July 2023 and the third part from 30 October to 8 November 2023.

36. At the first part of the session, the Council elected Juan José González Mijares (Mexico) as President. Representatives of Canada, Ghana and the Republic of Korea were elected as Vice-Presidents.

37. As co-facilitators of the informal intersessional dialogue to facilitate further discussion on the possible scenarios foreseen in section 1, paragraph 15, of the annex to the 1994 Agreement and on any other pertinent legal considerations to explore

¹¹ [ISBA/28/A/15](#).

¹² [ISBA/29/A/L.1](#).

¹³ [ISBA/28/A/16](#).

¹⁴ [ISBA/25/A/15](#).

commonalities in possible approaches and legal interpretations for the Council, Belgium and Singapore presented a briefing note to the Council on the progress made on this matter. The Council adopted two decisions relating to the understanding and application of section 1, paragraph 15, of the annex to the 1994 Agreement.¹⁵ The Council in the same vein agreed on a timeline and road map for the continued work on the draft regulations for exploitation of mineral resources in the Area.¹⁶

38. The Council continued its work on the draft regulations for exploitation of mineral resources in the Area as a matter of priority, following the road map adopted in 2022.¹⁷ The Council made significant progress towards addressing thematic outstanding issues, and crucial work was carried out in several intersessional working groups.

39. During the second and third parts, the Council proceeded in accordance with the established modalities by conducting negotiations on the President's and the facilitators' respective texts. The Council in the same vein agreed on a timeline and road map for the continued work on the draft regulations for exploitation of mineral resources in the Area for the third part of the twenty-eighth session in 2023 and for the first and second parts of the twenty-ninth session of the Council in 2024.¹⁸ During the second and third parts, several delegations expressed an interest in making available a consolidated text of the draft exploitation regulations that would identify areas of overlap, duplication and omission and address the need for harmonization between the various provisions and related annexes. Subsequently, in accordance with the Council's decision, the President proceeded to prepare a consolidated text to serve as the basis for further discussions at the meeting of the Council in March 2024.

40. In addition to making progress on the draft regulations for exploitation, the Council adopted a decision on the establishment of the position of interim Director General of the Enterprise, in accordance with the recommendations of the Legal and Technical Commission and the Finance Committee,¹⁹ as well as a decision on the reports of the Chair of the Commission.²⁰

41. Further agenda items during the twenty-eighth session included the approval of the agreement on cooperation between the International Labour Organization and the Authority and the election of Rebecca Hitchin (United Kingdom) as a member of the Legal and Technical Commission for the remainder of the term of Jon Copley (United Kingdom). In addition, the Council adopted decisions on the deferral of schedules of relinquishment upon requests by the Government of India²¹ and the Government of the Republic of Korea.²²

B. First part of the twenty-ninth session of the Council

42. During the first part of the twenty-ninth session, in March 2024, the Council elected Olav Myklebust (Norway) as President. Representatives of Brazil, India and Uganda were elected as Vice-Presidents of the Council.

43. The Council focused its work on the draft exploitation regulations and made substantial progress on the President's consolidated text, which was released on 16 February 2024. Separately, working groups and thematic discussions focused on

¹⁵ ISBA/28/C/9 and ISBA/28/C/25.

¹⁶ ISBA/28/C/24.

¹⁷ ISBA/27/C/21/Add.2.

¹⁸ ISBA/28/C/24.

¹⁹ ISBA/28/C/10, ISBA/28/C/21 and ISBA/28/C/23.

²⁰ ISBA/28/C/27.

²¹ ISBA/28/C/22.

²² ISBA/28/C/8.

several outstanding conceptual topics in relation to the draft exploitation regulations, led by facilitators and rapporteurs. At the end of the meeting, it was agreed that the next meeting in July 2024 would continue with the negotiation of the President's consolidated text, with a view to completing the first reading of the text. In accordance with decision [ISBA/28/C/24](#), the Council will assess the remaining work that might be needed prior to the adoption of the exploitation regulations at the end of the Council meetings to be held in July 2024, and consider a revised road map to that end.

44. The Council approved the memorandum of understanding between the Authority and the Food and Agriculture Organization of the United Nations and elected María Gómez Ballesteros (Spain) as a member of the Legal and Technical Commission to replace Adolfo Maestro Gonzales (Spain) for the remainder of his term.

45. The Council discussed matters pertaining to cooperation with the OSPAR Commission and incidents in the NORI-D contract area of the Clarion-Clipperton Zone.

IX. Operationalization of the Enterprise

46. The year commemorating the thirtieth anniversary of the establishment of the Authority is marked by a significant step towards the operationalization of the Enterprise.

47. The Enterprise is the organ of the Authority entrusted with carrying out activities in the Area directly, including the transporting, processing and marketing of minerals recovered from it on behalf of the members of the Authority, subject to the directives and under the control of the Council. Once fully operational, the Enterprise will play a crucial role in facilitating the participation of developing States in deep-seabed mining in the Area, as it will be able to carry out such activities in the reserved areas in association with them. Under the 1994 Agreement, the secretariat carries out some limited functions of the Enterprise until the Council decides that the Enterprise should function independently.

48. After an international recruitment process, Eden Charles (Trinidad and Tobago) was appointed interim Director General of the Enterprise to oversee the performance by the secretariat of the functions of the Enterprise until it begins to operate independently.

49. Based at the headquarters of the Authority, the interim Director General reports administratively to the Secretary-General while being accountable to both the Council and the Assembly. The Assembly will be presented with the first report of the interim Director General during its twenty-ninth session.

X. Reporting on prospecting and status of contracts for exploration

50. On 28 February 2023, the Secretary-General duly recorded the notification of the intention from Argeo Survey AS to conduct a prospecting survey at the Mid-Atlantic Ridge pursuant to regulation 4 of the regulations on prospecting and exploration for polymetallic sulphides in the Area. The aim of the survey is to identify potential mineral occurrences. Prospectors are required to submit an annual report describing the status of prospecting and the results obtained. Accordingly, on 7 December 2023, Argeo reported to the Secretary-General on the survey conducted

between April and May 2023 using an autonomous underwater vehicle to collect near-seafloor data. The report will be shared with the Legal and Technical Commission.

51. As at 30 April 2024, 30 contracts for exploration were in force (19 for polymetallic nodules, 7 for polymetallic sulphides and 4 for cobalt-rich ferromanganese crusts). On 19 March, the Secretary-General signed the extension agreement for exploration for polymetallic nodules between the Authority and JSC Yuzhmorgeologiya. Each contractor is required to submit an annual report to the Secretary-General by no later than 31 March each year. The report covers its programme of activities under the contract. For the 2023 reporting period, 30 annual reports in relation to 30 exploration contracts have been received by the secretariat.

52. Contractors are also required to submit five-year periodic reviews on their activities. Between July 2023 and June 2024, four periodic review reports were submitted, namely the periodic review of the implementation of the plans of work of: (a) Japan Organization for Metals and Energy Security, relating to its contract for exploration of cobalt-rich ferromanganese crusts; (b) Global Sea Mineral Resources NV, relating to its contract for exploration of polymetallic nodules; (c) the Government of the Republic of Korea, relating to its contract for exploration of polymetallic sulphides; and (d) China Ocean Mineral Resources Research and Development Association, relating to its contract for exploration of cobalt-rich ferromanganese crusts. All these periodic reports are under evaluation, with an anticipated completion date of July 2024.

53. During the reporting period, the Compliance Assurance and Regulatory Management Unit of the secretariat conducted an inspection of UK Seabed Resources Ltd. exploration activities in the Area. The overall objective of the inspection was to review the contractor's programme of activities for 2025 and 2026 (i.e. the remaining two years of the current five-year programme) and to ascertain, based on the contractor's reports to be provided during the inspection, whether the contractor had addressed the questions and recommendations of the Legal and Technical Commission following the review of the contractor's annual workplan for 2021 and 2022. Based on the review of the information supplied by the contractor, the organizational performance improvements following the acquisition have been comprehensive, with reassurance on the part of the contractor's new parent company to advancing exploration activities and meeting contractual obligations for the contract area.

54. In response to the Council's request regarding the naming of contractors that had responded insufficiently or incompletely, or failed to respond, to the calls from the Council to address issues of concern identified by the Legal and Technical Commission in relation to the fulfilment of their contractual obligations, the Commission adopted criteria for identifying contractors at risk of non-compliance during its meetings in March 2024.²³ The Compliance Assurance and Regulatory Management Unit will facilitate the three-step process by which the Commission will assess the responses of contractors to concerns identified by the Commission and communicated by the Secretary-General in relation to their contractual obligations upon conclusion of the review of annual reports submitted by contractors.

55. Since 2017, the Secretary-General has held six annual consultative meetings with contractors to discuss issues of common interest and share best practices in deep-sea exploration. This also provides an opportunity to discuss the role of the Authority in a global context and engage the support and cooperation of contractors in the programmatic work of the Authority.

²³ [ISBA/29/LTC/5](#).

56. The sixth annual consultation took place in Dar es Salaam, United Republic of Tanzania, from 22 to 24 October 2023, in collaboration with the Government of the United Republic of Tanzania. It was attended by 22 representatives of exploration contractors. Participants discussed the progress made by the Council in advancing the draft regulations for exploitation of mineral resources in the Area, compliance in the implementation of exploration contracts by contractors and how to facilitate direct interaction between the Legal and Technical Commission and contractors. Discussions were also held on enhancing collaboration among contractors and the transition from exploration to exploitation. In that regard, the Commission adopted modalities for facilitating an exchange of views with contractors at its meeting in March 2024.²⁴

57. The next annual consultation will be held in the Republic of Korea between 30 September and 2 October 2024 and will be jointly hosted by the secretariat and the Korea Institute of Ocean Science and Technology.

XI. Collaboration with the United Nations, its specialized agencies, funds and programmes and the Meeting of States Parties to the Convention

58. During the reporting period, the secretariat continued to collaborate with the United Nations and its specialized agencies, funds and programmes on matters of mutual interest, including through UN-Oceans. The secretariat had exchanges with the International Maritime Organization, the International Labour Organization, the Division for Ocean Affairs and the Law of the Sea and the Department of Economic and Social Affairs of the United Nations Secretariat, the United Nations Environmental Programme, the secretariat of the Convention on Biological Diversity, the Food and Agriculture Organization of the United Nations, the Economic and Social Commission for Asia and the Pacific, the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States and the United Nations Office on Drugs and Crime. This ongoing collaboration provides a platform for ensuring more effective cooperation in fulfilling the mandate of the Authority, consistent with the Convention and international law.

59. The secretariat also continued to engage actively in the work of UN-Oceans and participated in a series of technical meetings as well as a meeting of principals held on 16 January 2024 to discuss cooperation and coordination in relation to the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction. At that meeting, the Secretary-General highlighted the importance of inter-agency cooperation and coordination and areas in which the contribution of the Authority, building on 30 years of experience in effectively regulating and managing the common heritage of humankind, could bring significant added value to support the implementation of the Agreement.

60. During the reporting period, the secretariat continued to actively participate in the implementation of the United Nations Decade of Ocean Science for Sustainable Development through its contribution to the Ocean Decade Alliance, the monitoring and evaluation working group for the Decade and the communications advisory group for the Decade.

²⁴ [ISBA/29/LTC/6](#).

61. In April 2024, the secretariat participated in the Ocean Decade Conference in Barcelona, Spain. This provided an opportunity to present the progress made in the implementation of the Authority's action plan for marine scientific research, discuss future areas of action and exchange best practices.

62. The Secretary-General will participate in the thirty-fourth Meeting of States Parties to the Convention from 10 to 14 June 2024. On the margins of the Meeting, he will launch an independent report commissioned to better understand how the Authority can contribute to the implementation of the objectives of the Agreement.



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**Annual report of the Secretary-General under article 166,
paragraph 4, of the Convention**

Implementation of the action plan of the International Seabed Authority in support of the United Nations Decade of Ocean Science for Sustainable Development

Report of the Secretary-General

I. Introduction

1. Pursuant to the United Nations Convention on the Law of the Sea¹ and the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982,² the Authority is mandated to promote and encourage the conduct of marine scientific research in the Area and to coordinate and disseminate the results when available. It may also carry out marine scientific research concerning the Area. In addition, the Authority has the responsibility to encourage the development of appropriate programmes to strengthen the capacity of developing and technologically less-developed States.³ To deliver its mandate, the Authority serves as a global driving force in fostering scientific collaborations to advance knowledge and technological innovations in deep-sea research.

2. In 2017, the General Assembly proclaimed the United Nations Decade of Ocean Science for Sustainable Development.⁴ In 2020, the Assembly of the Authority formalized its contribution by adopting a dedicated action plan for marine scientific research in support of the Decade.⁵ The action plan puts forward six strategic research priorities and has since served as a global framework and agenda to advance deep-sea research in support of the strategic directions endorsed by members of the Authority through the strategic plan for the period 2019–2025.⁶

* [ISBA/29/A/L.1](#).

¹ United Nations Convention on the Law of the Sea, art. 143 (2).

² 1994 Agreement, para. 5 (h).

³ United Nations Convention on the Law of the Sea, art. 143 (3).

⁴ General Assembly resolution [72/73](#), para. 292.

⁵ [ISBA/26/A/17](#).

⁶ See www.isa.org.jm/wp-content/uploads/2022/03/Strategic_Plan_Booklet.pdf and [ISBA/28/A/18](#), para. 48.



3. The Authority's contribution to the Decade includes its cooperation with the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO), which was formalized by the signing of a memorandum of understanding in 2000 to promote the conduct of marine scientific research in the Area.⁷

4. Since adopting the action plan, the secretariat of the Authority has organized 29 events to promote scientific deep-sea research, encompassing online and in-person workshops, webinars, information series and side events in global forums involving over 1,000 experts. In addition, 44 strategic partnerships were forged to deliver the action plan, and 19 member States and the European Union have provided support. Among the knowledge products produced, five technical studies were delivered.⁸

5. In the context of the Decade, the Intergovernmental Oceanographic Commission commissioned a report in 2023 on enhancing the engagement of UN-Oceans in the Decade. As a member of UN-Oceans, the Authority emphasized the need to advance coordination in the Decade's implementation among United Nations agencies, taking into consideration existing frameworks and mandates in marine scientific research.

6. The Secretary-General delivers an annual progress report to the Assembly of the Authority regarding the implementation of the action plan.⁹ The present report provides an update for the period from June 2023 to June 2024. In summary, the secretariat increased its efforts, with 11 events organized, compared with 7 in the previous reporting period. A strategic road map on data management for the period 2023–2028 was delivered and four new initiatives under strategic research priorities 2 and 6 were launched. The achievements will be highlighted in two global forums, the Partnership Fund was operationalized and the Secretary-General issued a call to action to accelerate the implementation of the action plan.

II. Progress in the implementation

7. The present report provides an update on the implementation of the six strategic research priorities contained in the action plan for marine scientific research.

A. Strategic research priority 1: advancing scientific knowledge and understanding of deep-sea ecosystems, including biodiversity and ecosystem functions, in the Area

8. Under this strategic research priority, the secretariat facilitates activities to develop a robust scientific knowledge base to support decision-making processes based on the precautionary approach used by the Authority.

9. Three workshops were organized during the reporting period. In June 2023, over 30 policymakers and scientists, including 6 representatives of small island developing States and 2 representatives of landlocked developing countries, participated in two workshops organized in Kingston by the secretariat in collaboration with the Division

⁷ ISBA/6/A/9, para. 13.

⁸ See www.isa.org.jm/publications/technical-study-28-regional-environmental-assessment-of-the-northern-mid-atlantic-ridge; www.isa.org.jm/publications/technical-study-29-remote-monitoring-systems-in-support-of-inspection-and-compliance-in-the-area; www.isa.org.jm/publications/technical-study-30-marine-mineral-resources-scientific-and-technological-advances; www.isa.org.jm/publications/21773; and www.isa.org.jm/publications/technical-study-33-potential-interactions-between-fishing-and-mineral-resource-related-activities-in-areas-beyond-national-jurisdiction-a-spatial-analysis.

⁹ See ISBA/27/A/4 and ISBA/28/A/8.

for Ocean Affairs and the Law of Sea of the United Nations. The first workshop focused on key components of the third World Ocean Assessment and the second on enhancing science-policy interfaces.¹⁰ As a result, experts identified key elements of sustainability pathways for mineral resources in areas beyond national jurisdiction to be included in the third World Ocean Assessment. In February 2024, the secretariat organized, in Tokyo, in collaboration with four Japanese partners, a workshop to advance the development of a regional environmental management plan for the area of the north-west Pacific Ocean.¹¹ It brought together 38 experts from 15 countries. Newly available environmental data were compiled and synthesized to update the data report and environmental assessment for this region.¹²

B. Strategic research priority 2: standardizing and innovating methodologies for deep-sea biodiversity assessment, including taxonomic identification and description, in the Area

10. To implement this strategic research priority, the Authority launched the Sustainable Seabed Knowledge Initiative in 2022 in partnership with the European Commission, the Republic of Korea and the Government of France.¹³ The Initiative accelerates species descriptions and has five objectives: increasing deep-sea biodiversity knowledge and understanding of resilience; improving consistency for biodiversity assessment; generating taxonomic data; enhancing scientific capacity in this domain; and supporting global decision-making processes.

11. During the reporting period, two new initiatives were launched. In May 2023, the “One Thousand Reasons” campaign awarded 10 grants to eight research institutions¹⁴ and two citizen scientists. Under the campaign, the scientists will describe nearly 100 species by the end of 2024. A species checklist was launched in July 2023 in collaboration with the World Register of Marine Species.¹⁵ It currently comprises data on 285 species of the Clarion-Clipperton Zone. As a result, consistency in the biodiversity assessment of these species will be improved.

12. In addition, the secretariat organized two scientific workshops in collaboration with the Ministry of Oceans and Fisheries of the Republic of Korea and the National Marine Biodiversity Institute of Korea. The first, held in Viet Nam in October 2023, focused on enhancing data-sharing and establishing best practices for standardization.¹⁶ As a result the interoperability of data stored in DeepData with global initiatives such as the Darwin Core¹⁷ was enhanced. The second scientific workshop will be held in June

¹⁰ See www.isa.org/jm/news/isa-and-doalos-successfully-conclude-two-international-workshops-in-support-of-the-development-of-the-third-world-ocean-assessment-and-science-policy-interface-capacity/.

¹¹ The Ministry of Economy, Trade and Industry of Japan; the Japan Organization for Metals and Energy Security; Deep Ocean Resources Development Co., Ltd.; and the National Institute of Advanced Industrial Science and Technology of Japan.

¹² See www.isa.org/jm/events/workshop-on-the-regional-environmental-management-plan-for-the-area-of-the-northwest-pacific/#BG%20Docs.

¹³ See www.isa.org/jm/sski/.

¹⁴ The National Museum of Natural History, Smithsonian Institution; the University of Lodz; the National University of Singapore; Museums Victoria; the Biology Centre of the Upper Austria Landes-Kultur GmbH; the Second Institute of Oceanography, Ministry of Natural Resources of China; the Complutense University of Madrid; and the University of Cape Town.

¹⁵ See www.isa.org/jm/news/isa-and-worms-release-a-species-checklist-for-the-clarion-clipperton-zone-in-celebration-of-the-one-year-anniversary-of-the-sustainable-seabed-knowledge-initiative/.

¹⁶ See www.isa.org/jm/events/workshop-on-enhancing-biological-data-sharing-to-advance-deep-sea-taxonomy/.

¹⁷ See <https://dwc.tdwg.org/>.

2024 and will aim at developing a scientific approach for identifying key deep-sea taxa relevant to environmental impact assessments and monitoring programmes.¹⁸

13. To raise awareness of the achievements of the Initiative's first year and seek support for its further implementation, the secretariat hosted a side event during the twenty-eighth session of the Council of the Authority. In addition, at the fiftieth annual session of the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection, hosted in Kingston in September 2023, the global environmental contributions of the Initiative were underscored.¹⁹ As a result, the Authority's role in promoting synergies with existing and new initiatives, as well as the importance of the DeepData database, were highlighted.

14. To enhance scientific capacity, the secretariat, supported by the Institut français de recherche pour l'exploitation de la mer and the Government of France, launched a deep-sea taxonomy fellowship for an expert from a developing country. The taxonomist from India concluded her taxonomic descriptions in February 2024 and developed novel technologies for species identification. As a result, three scientific articles will be published.

15. Furthermore, the secretariat will participate in global initiatives, including the fourth meeting of the Sustainable Ocean Initiative Global Dialogue with Regional Seas Organizations and Regional Fishery Bodies organized by the secretariat of the Convention on Biological Diversity, the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Environment Programme, in Seoul in June 2024.²⁰ It will also attend the twenty-sixth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice of the Convention on Biological Diversity in Nairobi in May 2024. At these events, the secretariat will highlight the Authority's contributions to the Kunming-Montreal Global Biodiversity Framework and emphasize the potential benefits to the 2023 agreement on biodiversity beyond national jurisdiction that would arise from the implementation of the action plan for marine scientific research.

C. Strategic research priority 3: facilitating technology development for activities in the Area, including ocean observation and monitoring

16. The secretariat stays updated on innovative technological trends to implement this strategic research priority. It advanced the Authority's technology assessment and identified five priority domains needing further progress: ocean observation and communication; monitoring; autonomy, automation and robotics; machine learning and artificial intelligence; and mining, energy and metal processing. In addition, the secretariat organizes capacity development initiatives and facilitates international cooperation to ensure all States have the necessary tools to participate in activities in the Area, fulfilling its mandate to transfer technology to developing States.²¹

17. In April 2024, the secretariat organized a workshop on advanced technologies for the international seabed area in collaboration with the Institute for Systems and Computer Engineering, Technology and Science of Portugal.²² The Institute coordinates the European Union Horizon project²³ on the development of a

¹⁸ See www.isa.org.jm/events/workshop-on-the-development-of-a-scientific-approach-to-identifying-key-deep-sea-taxa-in-support-of-the-protection-of-the-marine-environment-in-the-area/.

¹⁹ See www.isa.org.jm/news/gesamp-concludes-its-50th-annual-session-held-at-isa-headquarters/.

²⁰ See www.cbd.int/marine/soi/soi-gd4.png.

²¹ United Nations Convention on the Law of the Sea, art. 144.

²² See www.isa.org.jm/events/expert-scoping-workshop-on-charting-future-horizons-harnessing-advanced-technologies-for-the-protection-and-sustainable-use-of-the-international-seabed-area/.

²³ See www.h2020.md/en/horizon-cl4-2022-resilience-01-digitised-resource-efficient-and-resilient-industry-2022-single-stage.

technology-based impact assessment tool for sustainable, transparent deep sea mining exploration and exploitation (known as TRIDENT),²⁴ and the secretariat is seated on its Advisory Board. The workshop was held in Porto, Portugal, with over 120 participants, including government representatives from 29 countries, members of the Legal and Technical Commission of the Authority and contractors. During the workshop, participants reviewed best practices and innovations in deep-sea observation, monitoring, exploration and exploitation and discussed the capacity development needs for all countries to benefit from technological innovation.

18. In support of the workshop preparations, an expert from Brazil affiliated with the Institute was deployed to the secretariat from March to April 2024. The expert junior engineer undertook a comprehensive data compilation during this period, mapping over 300 sensors across various sectors. These findings informed the discussion held during the scoping workshop.

19. In May 2024, the secretariat will participate online in the annual meeting of the Deep Ocean Observing Strategy as part of its Advisory Board. The gaps and solutions that the ocean-observing community identify will inform discussions on a coordinated framework under the Authority to expand long-term deep-ocean observation programmes.

D. Strategic research priority 4: enhancing scientific knowledge and understanding of potential impacts of activities in the Area

20. Assessing the potential impacts of activities in the Area is crucial to discharging the Authority's mandate under the Convention and the 1994 Agreement to protect the marine environment in the Area and to enabling the Authority to take measures to prevent damage to marine flora and fauna resulting from activities in the Area.²⁵

21. This strategic research priority includes assessing the potential interactions of other industries with activities in the Area. During the reporting period, the secretariat published a technical study on interactions between fishing and mineral resource-related activities in areas beyond national jurisdiction.²⁶ The authors of the study concluded that direct spatial conflicts between fisheries and future mineral resource exploitation were likely to be infrequent and manageable, but recognized the need for further research. To further enhance cross-sectoral coordination in managing areas beyond national jurisdiction, the Council of the Authority approved a memorandum of understanding with FAO during the first part of its twenty-ninth session.²⁷ The cooperation will include sharing non-confidential deep-sea data and exchanging best practices on scientific approaches to the sustainable management of activities.²⁸

22. During the reporting period, the secretariat facilitated the further elaboration of scientific approaches and tools for cumulative impact assessments. Qualitative mathematical models were discussed during the regional environmental management plan workshops for priority regions in the Area in collaboration with the Commonwealth Scientific and Industrial Research Organization. This continued work will advance the understanding of cumulative impacts from future exploitation activities and other stressors on different ecosystem components.

23. Furthermore, the secretariat provided input for a scoping paper that informed the joint call on the ecological aspects of deep-sea mining launched by the Joint

²⁴ See <https://deepseatrident.eu>.

²⁵ United Nations Convention on the Law of the Sea, art. 145.

²⁶ See www.isa.org.jm/wp-content/uploads/2023/07/ISA_Technical-Study_33.pdf.

²⁷ ISBA/29/C/9, para. 25.

²⁸ See ISBA/29/C/2.

Programming Initiative Healthy and Productive Seas and Oceans (JPI Oceans) in October 2023.²⁹ The secretariat stressed that any research endeavour should facilitate synergies and align with the strategic research priorities of the action plan. The secretariat also communicated that potential overlap between research facilitated by JPI Oceans and existing processes led by the Authority should be avoided.

24. The secretariat continued its role on the Advisory Board of the project entitled “Seabed mining and resilience to experimental impact”, funded by the Government of the United Kingdom of Great Britain and Northern Ireland. During the online annual meeting in October 2023, experts discussed outputs informing deep-sea ecosystem responses to broad-based disturbance.

25. Upon invitation from the Secretary-General of the United Nations, in reference to paragraph 388 of General Assembly resolution 77/248, the secretariat contributed to drafting a publication on managing marine geospatial information for sustainable ocean governance. The report will catalogue global marine geospatial data collection initiatives to identify potential “data deserts”. DeepData will be profiled as a spatial Internet-based data management system and a one-stop shop for deep-sea-related data.

E. Strategic research priority 5: promoting dissemination, exchange and sharing of scientific data and deep-sea research outputs and increasing deep-sea literacy

26. Sharing non-confidential data, following the findable, accessible, interoperable and reusable (FAIR) principle, and disseminating information is essential to advancing deep-sea literacy and informing policymaking processes. The launch of the DeepData database in 2019 fulfils this responsibility. DeepData has become a one-stop shop for all environmental data collected in the Area.³⁰ As of April 2024, the database had an average of 5,580 monthly visitors.

27. During the second part of its twenty-eighth session, the Legal and Technical Commission endorsed a strategic road map for data management for the period 2023–2028. The Council welcomed the significant progress made.³¹ The road map’s objective is to ensure that the best available data informs decision-making, and that marine scientific research is enhanced by an increase in the quantity and quality of the data while also empowering developing States. Subsequently, during the first part of the twenty-ninth session, the Commission endorsed the implementation workplan for this road map.³²

28. Further enhancing data quantity and quality is a short-term priority. To facilitate this, the secretariat set up individual data-management review training sessions for contractors in Kingston. Since May 2024, four contractors have participated in the hands-on training, resulting in a review of their data submissions to the Authority.

29. Strategic partnerships are essential in order to enhance the data quality and leverage the public use of DeepData. The secretariat continued its partnership with the Ocean Biodiversity Information System. To date, the System contains 99 data sets covering the period from 2004 to 2021, with data from 456 species.³³ The secretariat is also working with the International Oceanographic Data and Information Exchange

²⁹ See <https://jpi-oceans.eu/en/announcement-new-jpi-oceans-joint-call-ecological-aspects-deep-sea-mining>.

³⁰ See <https://data.isa.org.jm/isa/map/>.

³¹ ISBA/28/C/27, para. 17.

³² See https://ltc.isa.org.jm/wp-content/uploads/2024/02/ISBA_29_LTC_CRP.6.pdf.

³³ See <https://obis.org/node/9d2d95be-32eb-4d81-8911-32cb8bc641c8>.

project office of the Intergovernmental Oceanographic Commission of UNESCO to incorporate oceanographic data into the Ocean Infohub.³⁴

30. During the reporting period, six additional contractors³⁵ voluntarily disclosed their bathymetric data, totalling 92.9 gigabytes, to the Area 2030 initiative. The secretariat established this initiative with the International Hydrographic Organization to accelerate the mapping of the seabed.³⁶ The data, collected at an unprecedented high resolution (100 meters), significantly contributes to the global efforts of initiatives such as the General Bathymetric Chart of the Oceans Seabed 2030 project.³⁷

31. Furthermore, the secretariat advanced deep-sea literacy through the launch of “Deep Dive”, an e-learning platform uniquely designed to address all elements of the legal regime governing activities in the Area.³⁸ In the course, internationally renowned deep-sea experts lecture on scientific and technological aspects of activities in the Area. To date, 50 students have been awarded the Deep Dive certificate. Deep-sea literacy among young children is also promoted through tools such as a digital colouring book about deep-sea research and environmental protection.³⁹ Finally, two art competitions on the theme “Beneath the surface: unveiling hidden realms” were launched to engage youth on the deep sea on World Oceans Day.⁴⁰

F. Strategic research priority 6: strengthening deep-sea scientific capacity of Authority members, in particular developing States

32. The secretariat continues to design, facilitate and implement various training programmes relevant to the needs of developing States and aligned with the objectives of Authority’s capacity development strategy.⁴¹ During the reporting period, expert training activities were conducted in-house, in collaboration with contractors, and also within the framework of the joint training research centres.

33. Two female experts from the United Republic of Tanzania and Nepal were deployed to Kingston from February to April 2024 under the joint project framework between the Authority and the Technology Bank for the Least Developed Countries. The pilot projects involved research on the lithium cycle and the potential radioactivity of manganese nodules that will inform knowledge products.

34. During the reporting period, 13 training opportunities were made available under the contractors’ training programme for candidates from developing States. The placements were offered by 19 contractors pursuant to 26 exploration contracts. More than half of the opportunities involved at-sea training, and 59 per cent of the placements went to female candidates, while 37 per cent went to experts from least developed countries, landlocked developing countries and small island developing States.

35. In October 2023, the International Seabed Authority-China Joint Training and Research Centre in Qingdao, China, organized a two-week workshop on marine science and technology.⁴² This was the second workshop on marine science and

³⁴ See <https://oceaninfohub.org>.

³⁵ The Cook Islands Investment Corporation; the Government of the Republic of Korea; Loke Marine Minerals; Marawa Research and Exploration Ltd.; Nauru Ocean Resources Inc.; and Tonga Offshore Mining Limited.

³⁶ See www.isa.org/jm/area-2030/.

³⁷ See <https://seabed2030.org>.

³⁸ See www.isa.org/jm/deep-dive/.

³⁹ See www.isa.org/jm/isa-wakatoon/.

⁴⁰ See www.isa.org/jm/news/isa-launches-two-art-competitions-on-the-theme-beneath-the-surface-unveiling-hidden-realms/.

⁴¹ See ISBA/27/A/5.

⁴² See www.isa.org/jm/capacity-development-training-and-technical-assistance/isa-china-joint-training-and-research-centre/.

technology held by the Centre and involved 25 participants from 21 developing countries, including 3 participants from small island developing States and 6 from least developed countries. Under the International Seabed Authority-Egypt Joint Training and Research Centre framework established by the memorandum of understanding between the Authority and the National Institute for Oceanography and Fisheries of Egypt,⁴³ the first training course on environmental impact assessment is scheduled for September 2024.⁴⁴

36. Women's empowerment remains a central focus under this strategic research priority. In the context of the Authority's Women in Deep-Sea Research project, 10 additional contractors pledged to allocate 50 per cent of their training opportunities to qualified women applicants.⁴⁵ Moreover, as part of the Authority's global mentoring programme See Her Exceed, which supports women experts from developing countries, the secretariat successfully matched eight mentors with mentees. These mentors stimulate the personal, professional and scientific development of their mentees in online sessions.⁴⁶

III. Engagement and resource mobilization

37. During the reporting period, the secretariat engaged in three global forums to raise awareness and attract additional partners and resources to accelerate the implementation of the action plan.

38. In September 2023, the Secretary-General of the Authority launched a call to action at a side event during the Sustainable Development Goals Summit in New York, urging accelerated investment in deep-sea science and technology.⁴⁷ Seven member States signed onto the call during the event and three more followed later, including one developing country, one least developed country and four small island developing States.⁴⁸

39. In April 2024, the secretariat engaged in the Ocean Decade Conference, reaffirming the Authority's commitment to delivering the action plan in three side events organized with three member States and eight international partners.⁴⁹ The first event highlighted the pivotal role of science in supporting the stewardship of the Area. The second event, organized with four partners,⁵⁰ focused on the harnessing of data from the private sector to boost ocean data. The secretariat presented DeepData as a best practice example of such a public-private partnership. The third event, organized with three partners,⁵¹ celebrated concrete actions catalysed by the Authority for women's empowerment in deep-sea science and technology, identifying structural measures as crucial for future progress.

⁴³ ISBA/28/A/18, para. 49.

⁴⁴ See ISBA/28/A/13.

⁴⁵ See www.isa.org.jm/capacity-development-training-and-technical-assistance/widsr-project/.

⁴⁶ See www.isa.org.jm/widsr-mentoring-programme-2/.

⁴⁷ See www.isa.org.jm/news/global-call-to-action-for-accelerating-progress-under-the-2030-agenda-through-deep-sea-research-technology-and-innovation-launched-at-the-sdgs-summit-high-level-event-co-organized-by-bangladesh-arge/.

⁴⁸ Argentina, Nauru, the Cook Islands, Tonga, Malta, Norway, Singapore, Bangladesh, Italy and Mauritius.

⁴⁹ See www.isa.org.jm/news/isa-concludes-engagement-at-the-2024-ocean-decade-conference-with-renewed-support-and-commitment-towards-its-msr-action-plan-in-support-of-the-un-decade-of-ocean-science/.

⁵⁰ The Corporate Data Group of the Intergovernmental Oceanographic Commission of UNESCO, the United Nations Global Compact, Fugro and HUB Ocean.

⁵¹ The World Maritime University, the Sasakawa Global Ocean Institute and the International Hydrographic Organization.

40. In May 2024, the Secretariat will participate in the fourth International Conference on Small Island Developing States in Antigua and Barbuda and organize two side events. The first will focus on leveraging partnerships to advance women's empowerment and leadership in deep-sea research to support sustainable ocean governance. It will showcase concrete actions and future partnerships to enhance the participation of women from small island developing States and least developed countries in marine scientific research. The second side event will focus on leveraging the knowledge, technology, innovation and capacities of small island developing States to advance deep-sea research for the benefit of humanity. It will highlight the Authority's 30 years of experience in protecting the environment beyond national jurisdiction through rigorous regulatory frameworks based on the precautionary approach and transparency. In addition, it will present flagship capacity development initiatives such as the Abyssal Initiative for Blue Growth.

41. The implementation of the action plan was accelerated through the projects and initiatives initiated under the Authority's Partnership Fund.⁵² The multi-donor fund, launched in 2022, aims at promoting marine scientific research and contributing to capacity development programmes and activities.⁵³ Five projects received financial support from the Partnership Board: establishing a diplomatic deep-sea academy for African diplomats; developing a data visualization platform of the Area for the benefit of humankind; enhancing the knowledge of African experts in deep-sea research through the establishment of the International Seabed Authority-Egypt Joint Training and Research Centre; promoting deep-sea research in the Indian Ocean to advance knowledge and understanding in support of seabed minerals exploration; and advancing the Caribbean blue economy through the Centre for Excellence for Oceanography and the Blue Economy.

IV. Next steps

42. To take stock of the achievements of the Authority in advancing the scientific knowledge of the deep sea, the Secretary-General commissioned a report on the contributions of the Authority to the scientific objectives of the United Nations Decade of Ocean Science for Sustainable Development. The report is being prepared in collaboration with the National Oceanography Centre and the United Kingdom, and a group of 16 experts will provide strategic advice.⁵⁴ In addition, 10 interviews

⁵² See www.isa.org/jm/isa-partnership-fund/.

⁵³ See ISBA/ST/SGB/2022/1.

⁵⁴ Tomasz Abramowski, Director, Interoceanmetal Joint Organization, Poland; Natalia Amezcua, Research Deputy Manager, Mexican Geological Survey, Mexico; Rima Brown, Senior Knowledge Management Officer, Seabed Minerals Authority, Cook Islands; Georgy Cherkashov, Managing Director, Institute for Geology and Mineral Resources of the Ocean, Russian Federation; Suzan M. El-Gharabawy, Vice-President, National Institute of Oceanography and Fisheries, Egypt; Hank Hedge, Senior Geologist, Mines and Geology Division, Ministry of Transport and Mining, Jamaica; Federica Irene Falomi, Economic Affairs Officer, Technology Bank for the Least Developed Countries; Pedro Madureira, University of Évora, Portugal; John Astony Mataro, Senior Geologist, Mining Commission, United Republic of Tanzania; Sandip Mukhopadhyaya, Scientist, Ocean Sciences and Technology Division, Ministry of Earth Science, India; Sai Navoti, Chief of the Small Island Developing States Unit, Department of Economic and Social Affairs of the United Nations; Marzia Rovere, Senior Research Scientist, National Research Council, Italy; Katy Soapi, Coordinator, Pacific Community Centre for Ocean Science, secretariat of the Pacific Community, Fiji; Samantha Smith, President, International Marine Minerals Society, Canada; Joshua Tuhumwire, Independent Consultant and Member of the Legal and Technical Commission, Uganda; and Gao Xiang, Executive Director, International Seabed Authority-China Joint Training and Research Centre, China.

are being conducted as part of the process. The report will be launched later in 2024, and its findings will inform the next era of deep-sea research.

V. Recommendations

43. **The Assembly is invited to:**

- (a) Take note of the information provided in the present report;**
 - (b) Request the Secretary-General to continue his efforts to mobilize the necessary resources for the implementation and upscaling of the strategic research priorities under the action plan for marine scientific research;**
 - (c) Encourage all members of the Authority, other States, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private persons to contribute to the implementation of the action plan for marine scientific research.**
-



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Item 12 of the provisional agenda of the Assembly*

Report of the interim Director General of the Enterprise

Agenda item 12 of the Council

Report of the interim Director General of the Enterprise

Report on activities related to the Enterprise

Submitted by the interim Director General of the Enterprise

I. Introduction

1. The purpose of the present report is to inform the Council and the Assembly of the International Seabed Authority of the activities undertaken and progress made by the interim Director General of the Enterprise in performing the functions of the Enterprise as specified in section 2 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 (1994 Agreement). It should be read in conjunction with the reports of the Special Representative of the Secretary-General of the Authority for the Enterprise previously submitted to the Council¹ and with the Authority's technical study on issues relating to the operationalization of the Enterprise.²

2. In accordance with article 170 of the Convention and the 1994 Agreement, the Enterprise shall be the organ of the Authority that shall carry out activities in the Area directly, as well as the transporting, processing and marketing of minerals recovered from the Area. The Enterprise shall act in accordance with the general policies of the Assembly and shall be subject to the directives and control of the Council. It also has the objective of performing the crucial role of facilitating the participation of developing States in activities in the Area. It is to enjoy autonomy in the conduct of its operations when it becomes independent of the secretariat.

3. By virtue of section 2 of the annex to the 1994 Agreement, the secretariat of the Authority shall perform the functions of the Enterprise until it begins to operate independently of the secretariat. The independent functioning of the Enterprise may be triggered by either of two events, namely receipt by the Council of an application

* ISBA/29/A/L.1.

¹ ISBA/25/C/26, ISBA/26/C/15, ISBA/26/C/46, ISBA/27/C/14 and ISBA/27/C/14/Corr.1, ISBA/27/C/34 and ISBA/28/C/2.

² See www.isa.org.jm/wp-content/uploads/2022/06/enterprise_study.pdf.



for a joint venture operation with the Enterprise or approval of a plan of work for exploitation for an entity other than the Enterprise.

4. However, several further conditions would also need to be satisfied for the Enterprise to operate as an independent entity. First, upon the occurrence of either of the aforementioned trigger events, the Council is under a legal obligation to take up the issue of the independent functioning of the Enterprise. Second, if the trigger event is an application for a joint venture operation with the Enterprise, the Council must consider whether such an operation with the Enterprise accords with “sound commercial principles”. It is noted that neither the Convention nor the 1994 Agreement defines what is meant by the term “sound commercial principles”. Third, if the Council is satisfied that joint venture operations with the Enterprise accord with sound commercial principles, it has the obligation to issue a directive for such independent functioning.

II. Appointment of the interim Director General

5. The Council will recall that in its decision [ISBA/28/C/10](#) of 31 March 2023 it adopted a recommendation by the Legal and Technical Commission to establish the position of interim Director General of the Enterprise. Subsequently, in July 2023, the Assembly approved a supplementary budget for the financial period 2023–2024 ([ISBA/28/A/15](#)) to allow for the implementation of the decision of the Council.

6. Following an international recruitment process conducted in accordance with the practices and standards of the United Nations, Eden Charles (Trinidad and Tobago) was appointed as interim Director General. He took up his post on 20 January 2024, at the headquarters of the Authority. Office space and facilities, together with necessary administrative support, were provided by the Authority.

7. The functions of the interim Director General are based on the functions set out in section 2 of the annex to the 1994 Agreement, namely:

(a) Monitoring and review of trends and developments relating to deep seabed mining activities, including regular analysis of world metal market conditions and metal prices, trends and prospects;

(b) Assessment of the results of the conduct of marine scientific research with respect to activities in the Area, with particular emphasis on research related to the environmental impact of activities in the Area;

(c) Assessment of available data relating to prospecting and exploration, including the criteria for such activities;

(d) Assessment of technological developments relevant to activities in the Area, in particular technology relating to the protection and preservation of the marine environment;

(e) Evaluation of information and data relating to areas reserved for the Authority;

(f) Assessment of approaches to joint venture operations;

(g) Collection of information on the availability of trained manpower;

(h) Study of managerial policy options for the administration of the Enterprise at different stages of its operations.

8. In addition, as agreed by the Council, the interim Director General represents the interests of the Enterprise with regard to the development of the regulatory regime for activities in the Area.

III. Activities of the interim Director General

9. The present section of the report describes the activities undertaken by the interim Director General since assuming office.

A. Participation in discussions on the draft regulations for exploitation of marine minerals in the Area

10. The interim Director General attended the first part of the twenty-ninth session of the Council and participated in discussions on the draft regulations for exploitation of marine minerals in the Area. The purpose of such participation was to provide the Council with the views of the Enterprise on topics relevant to its interests, as well as to make comments and offer textual suggestions in relation to the draft regulations.

11. Some of the topics on which the interim Director General intervened were those under draft regulations 13, 14, 19, 20, 21, 23, 27, 29, 33, 53, 59, 60, 63, 66, 71, 73, 75 and 79, inter alia, and proposals made by delegations concerning the possibility of streamlining the draft regulations and on the possible inclusion of a provision introducing a certificate of origin for resources of the Area as proposed by the Legal and Technical Commission.³ The Council should recall that, following the adoption of the 1994 Agreement, the Enterprise is in most cases subject to the same obligations as contractors.⁴

B. Study of managerial policy options and availability of trained manpower

12. It should be noted that, based on the evolutionary approach to the operationalization of the Enterprise, an important part of the functions of the interim Director General is to take the steps necessary to prepare for the independent operation of the Enterprise. As the appointment of both a permanent Director General⁵ and a Governing Board⁶ is envisaged in the Convention, in particular in articles 4 to 7 of annex IV, a proper managerial structure should be in place by the time the Enterprise becomes fully independent of the secretariat, in particular a framework of managerial rules for the Enterprise in case either of the above-mentioned triggers takes place.

³ ISBA/29/C/7, based in turn on the proposal by Belgium included in document ISBA/27/C/13.

⁴ See, for instance, section 2, paragraph 4, of the annex to the 1994 Agreement, according to which “the obligations applicable to contractors shall apply to the Enterprise. Notwithstanding the provisions of article 153, paragraph 3, and Annex III, article 3, paragraph 5, of the Convention, a plan of work for the Enterprise upon its approval shall be in the form of a contract concluded between the Authority and the Enterprise”.

⁵ As regards the permanent Director General, it is stated in the Convention that the Assembly shall, upon the recommendation of the Council and the nomination of the Governing Board, elect the Director General of the Enterprise, but without specifying any particular qualification for that position either.

⁶ As for the election of the Governing Board, the Convention provides that due regard shall be paid to the principle of equitable geographical representation in electing its members. It is also stated that, in electing members to the Board, regard should be paid to the need to nominate candidates of the highest standard of competence, with qualifications in relevant fields. Furthermore, the Enterprise is to develop rules of procedure for the Governing Board covering areas such as meetings, decision-making and voting, the election of a chair, the participation of the Director General in meetings, the appointment of a secretary to the Board and committees of the Board dealing with matters such as investment assessment, governance, operations, audits and ethics.

13. The deep-sea mining industry is a developing field. Technology is constantly evolving, along with market conditions and environmental considerations. By proactively studying policy options, it can be assured that the Enterprise will have the managerial structure best suited to these changing circumstances.

14. Studying policy options up front also helps to ensure that the Enterprise operates with clear guidelines that balance commercial viability with environmental protection and equitable benefit-sharing. In addition, a well-defined managerial policy framework fosters transparency and builds trust with stakeholders. Knowing that the Enterprise will be managed effectively according to predetermined policies would attract qualified personnel and potential partners.

C. Monitoring and review of trends in deep seabed mining activities

15. The interim Director General has begun and will continue to monitor and review trends and developments relating to deep seabed mining activities and conduct analyses of world metal market conditions and metal prices, trends and prospects, by studying and examining reports on the demand for critical minerals from relevant sources, including the International Energy Agency, the World Bank, the International Renewable Energy Agency, the International Copper Study Group and the International Nickel Study Group, and, where possible, follow the meetings of these bodies, with a view to:

(a) Tracking key trends and developments in deep-sea mining activities worldwide, including exploration, technology advancements and environmental considerations;

(b) Analysing global metal market conditions and metal prices, including trends, forecasts and potential impacts on the feasibility of deep-sea mining;

(c) Generating reports summarizing findings and insights, with clear visualizations and data analysis;

(d) Preparing reports to inform decision-making and stakeholder engagement.

16. Following the work of the aforementioned bodies, which includes their monthly publications, monthly bulletins, yearbooks and online statistical databases, is useful as they would assist the interim Director General in obtaining accurate and timely information on capacities, production, usage, trade, stocks, prices, technologies and research and development, as well as in other areas that may influence the supply and demand of metals.

D. Assessment of available data relating to reserved areas

17. In keeping with the provisions of section 2, paragraph 1 (e), of the annex to the 1994 Agreement, the duties and responsibilities of the interim Director General also include the “evaluation of information and data relating to areas reserved for the Authority”. The legal regime of reserved areas is provided for in articles 8 and 9 of annex III to the Convention as amended by the relevant provisions of the 1994 Agreement, providing for what has been defined as a site-banking system.

18. In this regard, it is noted that at present several reserved areas have been identified, which could therefore be the object of potential joint venture operations between the Enterprise and contractors. As of March 2024, a total of 839,218 km² in area remains available in the reserved area site bank for polymetallic nodules and 3,000 km² for cobalt-rich crusts. The inability of the Enterprise to carry out activities in the Area at this stage poses an obstacle for the use by the Enterprise of the reserved

areas. The Enterprise, however, could partner with developing countries or contractors to explore and develop these reserved areas.

19. It should be noted that the secretariat has carried out a resource assessment of the reserved areas. It is a priority of the interim Director General to review that assessment, which forms the primary asset of the Enterprise. Subsequent to the assessment, it would be a priority of the interim Director General to undertake actions leading to comprehensive data evaluation on reserved areas. These actions would include assessing the quality and adequacy of environmental baseline data within the reserved areas, pinpointing any gaps and evaluating their suitability for conducting environmental impact assessments, as well as scrutinizing existing data concerning mineral resources such as nodules, sulphides and crusts, delving into their abundance, distribution and economic viability within the designated regions.

E. Assessment of approaches to joint venture operations

20. The original position of advantage of the Enterprise prior to the adoption of the 1994 Agreement was essentially substantiated in provisions related to the transfer of technology, as provided for in article 144 of the Convention,⁷ and also the obligation to provide the Enterprise with sufficient funds to “explore and exploit one mine site, and to transport, process and market the minerals recovered therefrom and the nickel, copper, cobalt and manganese obtained, and to meet its initial administrative expenses” (article 11, paragraph 3 (a), of annex IV to the Convention).

21. The adoption of the 1994 Agreement led to the loss of both advantages for the Enterprise. While the transfer of technologies will be dealt with in detail in section F below, it should be noted that the removal of the obligation for States to fund one mine site of the Enterprise resulted in the current regime, which provides that the Enterprise can finance itself only through the other means envisaged in article 11, paragraph 1, in particular in subparagraphs (b), (d) and (e), of annex IV to the Convention.

22. It must be emphasized that, in accordance with subparagraph (b), the Enterprise can access “voluntary contributions made by States Parties for the purpose of financing activities of the Enterprise”, even at this stage. However, it is evident that, among these funds, the most relevant and the most capable of providing the Enterprise with a stable source of income is in theory the option under subparagraph (d), namely “income of the Enterprise from its operations”. Nevertheless, this source of funding would be available only when the Enterprise is fully operational as, pursuant to section 2, paragraph 2, of the annex to the 1994 Agreement, the Enterprise is required to “conduct its initial deep seabed mining operations through joint ventures”. In other words, the source of funds envisaged in article 11, paragraph 1 (d), of annex IV to the Convention would be available only after the conclusion of a joint venture.

23. Based on the above, the interim Director General is now assessing approaches to joint venture arrangements, in keeping with paragraph 1 (f) of section 2 of the annex to the 1994 Agreement. To this end, one of the objectives of the interim Director General is to assess at least three potential models of joint venture operations between

⁷ According to which “the Authority and States Parties shall cooperate in promoting the transfer of technology and scientific knowledge relating to activities in the Area so that the Enterprise and all States Parties may benefit therefrom. In particular they shall initiate and promote:
(a) programmes for the transfer of technology to the Enterprise and to developing States with regard to activities in the Area, including, inter alia, facilitating the access of the Enterprise and of developing States to the relevant technology, under fair and reasonable terms and conditions; and (b) measures directed towards the advancement of the technology of the Enterprise and the domestic technology of developing States, particularly by providing opportunities to personnel from the Enterprise and from developing States for training in marine science and technology and for their full participation in activities in the Area”.

the Enterprise and other entities, representing diverse approaches in ownership structure, risk sharing, profit distribution and technology transfer, based on the work previously done in the context of the technical study on issues relating to the operationalization of the Enterprise.

24. It is also important to recall that a total of 11 contractors, upon submission of a plan of work for exploration, selected the option to offer a future joint venture interest with the Enterprise in lieu of contributing a reserved area.

25. For the purposes of entering into joint venture agreements, it is noted that the concept of “sound commercial principles” on which such agreements should be based, though used in the Convention, the 1994 Agreement and the revised draft regulations for exploitation, is not explicitly defined in any of those legal instruments. The interim Director General will, as a priority, further examine the matter related to what would constitute “sound commercial principles” for joint venture operations.

F. Transfer of technology

26. As mentioned above, there is no longer any obligation to transfer technology to the Enterprise. In accordance with section 5, paragraph 1 (a), of the annex to the 1994 Agreement, the Enterprise and developing States wishing to obtain deep seabed mining technology must “obtain such technology on fair and reasonable commercial terms and conditions on the open market, or through joint venture arrangements”.

27. Consequently, based on the interim Director General’s mandate under section 2, paragraph 1 (d), of the annex to the 1994 Agreement, requiring an “assessment of technological developments relevant to activities in the Area, in particular technology relating to the protection and preservation of the marine environment”, the interim Director General has been monitoring the development of new technologies that could potentially be used by the Enterprise in the future. The study and acquisition of technology is particularly important, not only for the purposes of mining, but also in relation to the protection and preservation of the marine environment. This is also applicable to the Enterprise.

28. To this end, the interim Director General participated remotely in the expert scoping workshop on the theme “Charting future horizons: harnessing advanced technologies for the protection and sustainable use of the international seabed area”, organized by the Authority in Porto, Portugal, from 3 to 5 April 2024. The workshop focused on alternative ways to acquire technology for the purposes of exploration monitoring, inspection and marine scientific research in the Area, providing potential solutions concerning the transfer of technology from different industries (such as land-based mining), as well as the greater involvement of sensors and artificial intelligence-based technologies. Consequently, the interim Director General wishes to commend the report of the workshop to members of the Council to enable an in-depth understanding of its outcome. With regard to the importance of keeping up to date with technological advancements, the interim Director General wishes to underscore the usefulness of attending workshops of this nature in the future.

29. During the period, the interim Director General has also kept abreast of new developments in the technology of deep-sea mining through an examination of major scientific reports and journals on the subject.

IV. Final remarks and recommendation

30. The Council and the Assembly are invited to take note of the present report.



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Agenda item 7

Annual report of the Secretary-General under article 166, paragraph 4, of the Convention

Letter dated 31 July 2024 from the Secretary-General addressed to the President of the Assembly

1. At present, 32 member States are in arrears under the terms of article 184 of the United Nations Convention on the Law of the Sea, which states:

A State Party which is in arrears in the payment of its financial contributions to the Authority shall have no vote if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Assembly may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

2. The minimum payments necessary to reduce the amounts owed by those member States on their contributions so that they remain below the gross amount assessed for the preceding two full years (2022 and 2023) are as follows:

(United States dollars)

<i>Member State</i>	<i>Outstanding contributions</i>	<i>Minimum payment</i>
Bolivia (Plurinational State of)	6 677	2 957
Chad	8 441	6 864
Comoros	14 468	12 891
Congo	7 374	5 797
Cuba	32 405	13 799
Democratic Republic of the Congo	9 168	7 054
Djibouti	8 090	6 513
Dominica	2 188	611
Equatorial Guinea	11 137	8 205
Gabon	9 815	6 869
Gambia	14 468	12 891
Guinea	12 228	10 651



<i>Member State</i>	<i>Outstanding contributions</i>	<i>Minimum payment</i>
Guinea-Bissau	14 468	12 891
Haiti	1 905	328
Honduras	13 065	11 163
Iraq	51,889	24 723
Lebanon	8 794	94
Lesotho	4 907	3 330
Liberia	9 430	7 853
Malawi	5,006	3 429
Maldives	1 606	29
Mali	8 660	7 083
Myanmar	3 124	1 010
Nepal	3 260	1 401
Niger	6 378	4 800
North Macedonia	8 059	6 482
Papua New Guinea	6 889	4 775
Senegal	3 077	1 500
Seychelles	14 568	12 990
Somalia	14 468	12 891
Sudan	10 338	8 224
Yemen	8 986	7 097

(Signed) Michael W. Lodge



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Item 9 of the provisional agenda*

Report on the review of the high-level action plan for the extended period 2019–2025 for alignment with the extension of the strategic plan of the International Seabed Authority for the period 2019–2025

Consideration, with a view to adoption, of the extended high-level action plan of the International Seabed Authority for the period 2019–2025

Report of the Secretary-General

1. At its twenty-fourth session, the Assembly of the International Seabed Authority adopted the strategic plan of the Authority for the period 2019–2023, providing, inter alia, a uniform basis for the strengthening of existing working practices of the Authority (see [ISBA/24/A/10](#)). In order for the Authority to meet those objectives, the Assembly adopted, during its twenty-fifth session, a high-level action plan providing the linkage between the Authority's strategic plan and the work of the various organs of the Authority (see [ISBA/25/A/15](#) and [ISBA/25/A/15/Corr.1](#)).
2. The Assembly recognized that the operative period of the strategic plan and the associated high-level action plan would be five years and emphasized the importance of ensuring that both were kept under regular review and that the results were monitored for effectiveness. The Assembly subsequently requested the Secretary-General to, inter alia, regularly inform members of the Authority on progress with respect to their implementation.
3. With the term of the strategic plan coming to an end, preparatory work was undertaken by the secretariat in January 2023 to develop a revised strategic plan for the period 2024–2028 for consideration by the Assembly as its twenty-eighth session. This preparatory work was further informed by the findings of an analysis of the implementation of the strategic plan for the period 2019–2023 undertaken by a consultant.
4. The Secretary-General presented reports on the implementation of the strategic plan of the Authority for the period 2019–2023 ([ISBA/28/A/11](#)) and on the proposed draft strategic plan for the period 2024–2028 ([ISBA/28/A/7](#)). The Assembly, during its 203rd and 206th meetings, considered the reports. Several delegations noted that the strategic plan and the high-level action plan for 2019–2023 had significantly

* [ISBA/29/A/L.1](#).



contributed to advancing the implementation of the mandate of the Authority while ensuring coordination among the different organs. Several delegations welcomed the draft strategic plan, noting that it provided continuity in the work of the Authority at a time when important developments were taking place in relation to the legal regime of the Area and the implementation of the evolutionary approach. It was noted that the Authority was still engaged in the preparatory phase of its mandate, based on the provisions of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, that is, the phase involving the development of the draft regulations on exploitation and the period before the approval of the first plan of work for exploitation.

5. Eventually, the Assembly decided, at its 206th meeting, to extend the current strategic plan (for the period 2019–2023) by two years and requested the Secretary-General to review the high-level action plan for the period 2019–2023 with a view to extending it in line with the extension of the strategic plan (see [ISBA/28/A/16](#)).

6. Building on the content and structure of the first high-level action plan for the period 2019–2023, which was designed to be action-oriented and placed emphasis on the highest priorities identified by member States for the Authority through the strategic plan for the period 2019–2023, an extended high-level action plan is now proposed for consideration to the Assembly. This extended high-level action plan has not been revised in substance. Only some of the proposed time frames identified initially for the completion of agreed outputs have been updated, taking into consideration progress in the implementation of activities since 2019 as reported by the different organs of the Authority. The plan as revised is provided in the annex to the present document and is presented for consideration by the Assembly.

7. The Assembly is invited to consider, with a view to adoption, the extended high-level plan for the Authority for the period 2019–2025 as provided in the annex to the present document.

Annex**Status of implementation by the secretariat of the relevant high-level actions and associated outputs for the 2023–2024 reporting period**

The status of implementation by the secretariat of the relevant high-level actions and related outputs for the 2023–2024 reporting period is available (in English only) at the following link: www.isa.org.jm/wp-content/uploads/2024/06/ISBA-29-A-8-Annex-1.pdf.



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Item 13 of the provisional agenda of the Assembly*

Report and recommendations of the Finance Committee

Agenda item 15 of the Council

Report of the Finance Committee

Report of the Finance Committee

I. Introduction

1. During the twenty-ninth session of the International Seabed Authority, the Finance Committee held six formal meetings from 10 to 12 July 2024. In addition, in keeping with its established practice, the Committee held informal webinars on 4 December 2023, 7 March 2024 and 30 May 2024, during which members of the Committee were briefed on the issues to be discussed in the formal session.
2. The following members of the Committee participated in the formal meetings: Anastasia Francilia Akubor, Chaohong Xing, Christopher Hilton, Didier Ortolland, Jens Benninghofen, Kajal Bhat, Khurshed Alam, Medard Ainomuhisha, Sergey Litvinov, Solomon Korbich, Thiago Poggio Padua and Viola Walton.
3. On 10 July 2024, the Committee adopted its agenda ([ISBA/29/FC/1](#)) and re-elected Khurshed Alam as Chair of the Committee and elected Viola Walton as Vice-Chair.

II. Implementation of the budget for 2023

4. The Committee was provided with a report on the implementation of the budget for the period January to December 2023. According to the report, total expenditure during that period amounted to \$11,349,495, including assets capitalization of \$62,672, against an approved budget provision of \$11,230,200. The report indicated overexpenditure of \$119,295, owing mainly to unforeseen increases in staff salaries and related costs. The Committee took note of the report and requested that in future the secretariat provide a more detailed analysis of expenditure against budget lines and that it take measures to ensure that the approved budget for the financial period 2023–2024 was not overrun.

* [ISBA/29/A/L.1](#).



III. Status of the Working Capital Fund

5. The Committee was provided with a report on the status of the Working Capital Fund (ISBA/29/FC/4). As at 30 June 2024, the balance of the Fund was \$741,758, with a further \$8,242 to be collected in 2024.

6. With respect to a proposed increase in the level of the Working Capital Fund, the Committee decided to recommend an increase of \$75,000, which would bring the Fund cap to \$825,000. The increase would be collected over two financial periods, 2025–2026 and 2027–2028.

IV. Status of contributions and related matters

7. The Committee noted that, as at 30 June 2024, 70 per cent (\$6,183,986) of the contributions to the budget of the Authority for 2024 had been received. As at the same date, contributions outstanding from member States for two full years amounted to \$373,978. The Committee also noted with concern that eight member States had never paid their contributions since becoming parties to the United Nations Convention on the Law of the Sea. Furthermore, the Committee noted that member States that had been in arrears in the payment of their financial contributions to the Authority for two full years, and thus falling under article 184 of the Convention, wishing to exercise their voting rights should indicate their intention to do so as soon as possible.

8. The Committee appreciated the efforts of the Secretary-General to collect the outstanding contributions, including sending out notices regularly, holding bilateral meetings with the relevant member States and circulating relevant information on various occasions. The Committee encouraged the Secretary-General to continue his efforts, including further raising awareness of the work of the Authority among those member States that were in arrears, in particular those that had never paid their contributions to the budget of the Authority.

V. Indicative scale of assessed contributions to the administrative budget for the financial period 2025–2026

9. The Committee decided to recommend to the Council and the Assembly that the Secretary-General be authorized to establish the scale of assessments for 2025 and 2026 on the basis of the scale of assessments used for the regular budget of the United Nations for 2022–2024, adjusted for differences in membership between the Authority and the United Nations, with a maximum assessment rate of 22 per cent and a minimum rate of 0.01 per cent.

10. The Committee recalled that the agreed contribution of the European Union to the administrative budget had not been reviewed since 2008. The Committee was informed that, following consultations between the Secretary-General and the European Union, the European Union had announced its intention to increase its contribution from \$100,000 to \$150,000, starting in 2026, subject to internal approval. The Committee took note with appreciation of the information and decided to recommend to the Council and the Assembly that the agreed contribution of the European Union to the administrative budget of the Authority would be increased to \$150,000, effective 1 January 2026.

VI. Audit report on the accounts of the Authority for 2023

11. The Committee took note of the audited financial statements of the Authority for 2023.

12. One of the members of the Committee requested that, from 2025, the auditors expressly confirm that the financial transactions reflected in the statements of the Authority had been in accordance with the financial rules and regulations. Any irregularities noted in the audit report should be reported to the Finance Committee, and the Council should be informed immediately about any such referral of irregularity and of the final report of the auditor on the matter, duly applying principles of personal data protection and confidentiality.

VII. Status of the trust funds of the Authority and related matters

13. The Committee took note of reports provided by the secretariat on the status of the trust funds of the Authority. They included the voluntary trust fund for the purpose of defraying the cost of participation of members of the Legal and Technical Commission from developing countries and members of the Finance Committee from developing countries in the meetings of the Commission and of the Committee, the voluntary trust fund to support the participation of members of the Council of the Authority from developing States in the meetings of the Council, the trust fund for extrabudgetary support for the Authority, and the International Seabed Authority Partnership Fund.

14. The Committee noted with concern the critical status of the voluntary trust funds for the support of members of the Legal and Technical Commission, the Finance Committee and the Council and reiterated its appeal for more voluntary contributions to those funds, including from observers, as a vital means of securing the participation of members from developing States in the meetings of the Council and the two subsidiary organs of the Authority.

VIII. Development of rules, regulations and procedures on the equitable sharing of financial and other economic benefits derived from activities in the Area pursuant to section 9, paragraph 7 (f), of the annex to the 1994 Agreement

15. The Committee recalled that, at its twenty-seventh session, it had requested the Secretary-General to prepare a draft framework on the treatment of funds received from activities in the Area ([ISBA/27/A/8-ISBA/27/C/36](#)). During the twenty-eighth session, the Committee had discussed further a proposal for the establishment of a Common Heritage Fund as an alternative or adjunct to the direct distribution of monetary benefits ([ISBA/28/FC/4](#)) and had reported thereon to the Council and the Assembly ([ISBA/28/A/4-ISBA/28/C/13](#)).

16. The Committee, having considered the report of the Secretary-General on the equitable sharing of financial and other economic benefits derived from activities in the Area pursuant to section 9, paragraph 7 (f), of the annex to the 1994 Agreement, decided to continue the discussions at a future session, bearing in mind the ongoing discussions on the means of sharing the benefits derived from the Area.

IX. Proposed budget for the financial period 2025–2026

17. From 10 to 12 July 2024, the Committee considered the proposed budgetary requirements of the Authority for the financial period 2025–2026 ([ISBA/29/A/3-ISBA/29/C/11](#)).

18. The Committee noted that, notwithstanding an increase in the administrative expenditures of the secretariat (which accounted for 65 per cent of the total budget), the proposed budget was based on the principle of zero real growth. Cost increases were in line with external factors, including inflationary pressures on the United States dollar and the Jamaican dollar, leading to increases in the cost of goods and services, and increases in salaries and allowances mandated by the International Civil Service Commission and adopted by the General Assembly. The same principle had been applied to all other sections of the proposed budget. Considering the ongoing evolution of the work of the Authority, the Secretary-General proposed the addition of one new staff position and the redeployment of one existing position over the financial period. For the Compliance Assurance and Regulatory Management Unit (section 4 of the budget), one additional staff position was proposed for 2026.

19. The Committee requested clarification on the Authority's policy concerning reclassification of posts and the impact on previous budget periods. The Committee requested the Secretary-General to clarify the existing policy by explicitly providing in administrative instruction [ISBA/ST/AI/2023/3](#) and all other relevant instruments that no reclassification decision would be implemented without prior approval of the Assembly on the recommendation of the Finance Committee. The Committee further requested that current staffing tables be attached to every budget proposal, including the current draft budget. The Secretary-General indicated that he would implement that request without delay.

20. Furthermore, the Committee recommended that the secretariat issue as an annex to the current and all future budget proposals a report on the standards of accommodation on air travel, in line with the corresponding report published by the Secretary-General of the United Nations. In particular, such report should include a breakdown of the cost of all air travel of all members of the secretariat during the previous budgetary period and should also state the class of travel used.

21. After thorough consideration and evaluation of the budget, the Committee requested the Secretary-General to prepare a revised and reduced budget proposal ([ISBA/29/A/3/Add.1-ISBA/29/C/11/Add.1](#)). The Committee decided to recommend the approval of the proposed budget for the financial period 2025–2026 in the amount of \$26,427,000, as reflected in [ISBA/29/A/3/Add.1-ISBA/29/C/11/Add.1](#).

X. Budgetary implications of a second periodic review of the international regime of the Area pursuant to article 154 of the United Nations Convention on the Law of the Sea

22. As requested by the Assembly in its decision [ISBA/28/A/16](#) of 28 July 2023, the Committee considered the budgetary implications of a periodic review of the international regime of the Area, as mandated by article 154 of the Convention. The Committee considered the matter on the basis of an analysis prepared by the secretariat ([ISBA/29/FC/3](#)), in which the costs of such a review were estimated at \$466,690.

23. The Committee noted that for the first periodic review consultancy costs amounted to only \$200,000 and that the actual cost of the review in 2025–2026 would be highly dependent on the depth, extent and scope of the review requested by the

Assembly and the degree to which travel expenses could be saved through the use of online seminars and workshops. The Committee noted that, if the Assembly decided to initiate the periodic review during the financial period 2025–2026, the proposed budget would need to be increased accordingly by the addition of a new section 6 (periodic review), with a financial provision in the range of \$300,000 to \$466,690.

XI. Other matters

24. Noting that the status of overhead charges for the administration and supervision of contracts for exploration had not been reviewed since 2020, the Committee requested the secretariat to prepare an assessment of the actual cost, which was currently set at \$80,000, for review by the Committee in 2025.

25. Recalling its previous consideration during the twenty-sixth session of the costs of participation in the meetings of the Authority by observers, the Committee noted that, over recent years, the participation of observers in the meetings of the Council and the Assembly had absorbed substantial financial resources. In the light of the increased pressure on the budget of the Authority, the Committee recommended that the Council and the Assembly consider the issue of the payment of financial contributions by observers.

XII. Recommendations of the Finance Committee

26. In view of the foregoing, the Committee recommends that the Council and the Assembly of the Authority:

(a) Approve the budget for the financial period 2025–2026 in the amount of \$26,427,000, as proposed by the Secretary-General and revised by the Finance Committee (see [ISBA/29/A/3/Add.1-ISBA/29/C/11/Add.1](#));

(b) Decide to increase the level of the Working Capital Fund by \$75,000 to \$825,000, to be collected over the financial periods 2025–2026 and 2027–2028;

(c) Authorize the Secretary-General to establish the scale of assessments for 2025 and 2026 on the basis of the scale used for the regular budget of the United Nations for the period 2022–2024, adjusted for differences in membership between the Authority and the United Nations, taking into account a maximum assessment rate of 22 per cent and a minimum rate of 0.01 per cent;

(d) Also authorize the Secretary-General, for 2025 and 2026, to transfer between sections, subsections and programmes up to 15 per cent of the amount of each section, subsection or programme;

(e) Note that the agreed contribution of the European Union to the administrative budget of the Authority shall be \$150,000 per year, effective 1 January 2026;

(f) Urge the members of the Authority to pay their assessed contributions to the budget as soon as possible and in full;

(g) Note with concern the amount of outstanding contributions, appeal once more to the members of the Authority to pay outstanding contributions to the budget of the Authority from previous years as soon as possible, and request the Secretary-General, at his discretion, to continue his efforts to recover those amounts;

(h) Urge member States that have been in arrears in the payment of their financial contributions to the Authority for two full years, and thus falling under

article 184 of the Convention, wishing to exercise their voting rights to indicate their intention to do so as soon as possible;

(i) Urge member States and other possible donors, such as other States, contractors, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private persons, to make voluntary contributions to the voluntary trust funds of the Authority, and encourage the Secretary-General to redouble his efforts to raise awareness among stakeholders regarding this issue;

(j) Request the Secretary-General to implement the recommendations in paragraphs 19 and 20 without delay;

(k) Remind all organs of the Authority that, according to Regulation 13 of the Financial Regulations, decisions by the Assembly having financial or budgetary implications shall be based on the recommendations of the Finance Committee;

(l) Recommend that the Council and the Assembly consider the issue of the payment of financial contributions by the observers.



Assembly

Distr.: General
31 July 2024

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Twenty-ninth session

Kingston, 29 July–2 August 2024

Agenda item 13

Adoption of the budget of the Authority

Decision of the Assembly of the International Seabed Authority relating to the budget of the International Seabed Authority for the financial period 2025–2026

The Assembly of the International Seabed Authority,

Taking into account the recommendations of the Council ([ISBA/29/C/21](#)) of the International Seabed Authority,¹

1. *Approves* the budget for the financial period 2025–2026, after its consideration, in the amount of \$26,427,000, as proposed by the Secretary-General in document [ISBA/29/A/3/Add.1-ISBA/29/C/11/Add.1](#) and as recommended by the Finance Committee of the International Seabed Authority;²

2. *Decides* to increase the level of the Working Capital Fund by \$75,000 to \$825,000 to be collected over the financial periods 2025–2026 and 2027–2028;

3. *Authorizes* the Secretary-General to establish the scale of assessments for 2025 and 2026 on the basis of the scale used for the regular budget of the United Nations for the period 2022–2024, adjusted for differences in membership between the Authority and the United Nations, taking into account that the maximum assessment rate will be 22 per cent and the minimum rate 0.01 per cent;

4. *Also authorizes* the Secretary-General, for 2025 and 2026, to transfer between sections, subsections and programmes up to 15 per cent of the amount of each section, subsection or programme;

5. *Notes* that the agreed contribution by the European Union to the administrative budget of the Authority shall be \$150,000 per year, effective 1 January 2026;

6. *Urges* the members of the Authority to pay their assessed contributions to the budget as soon as possible, and in full;

7. *Notes with concern* the amounts of outstanding contributions, appeals once more to the members of the Authority to pay outstanding contributions to the budget of the Authority from previous years as soon as possible, and requests the

¹ [ISBA/29/C/21](#).

² See [ISBA/29/A/9-ISBA/29/C/20](#).



Secretary-General, at his discretion, to continue his efforts to recover those amounts;

8. *Urges* member States that are in arrears in the payment of their financial contributions to the Authority for two full years, thus falling under article 184 of the United Nations Convention on the Law of the Sea, and that wish to exercise their voting rights to indicate their intention to do so as soon as possible;

9. *Urges* member States and other possible donors such as other States, contractors, relevant international organizations, academia, scientific and technical institutions, philanthropic organizations, corporations and private persons to make contributions to the voluntary trust funds of the Authority, and encourages the Secretary-General to redouble his efforts to raise awareness among stakeholders regarding this issue;

10. *Requests* the Secretary-General to implement the recommendations in paragraphs 19 and 20 of the report of the Finance Committee³ without delay;

11. *Reminds* all organs of the Authority that, in accordance with regulation 13 of the Financial Regulations of the Authority, decisions by the Assembly having financial or budgetary implications shall be based on the recommendations of the Finance Committee.

*211th meeting
31 July 2024*

³ Ibid.



Assembly

Distr.: General
2 August 2024

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Twenty-ninth session

Kingston, 29 July–2 August 2024

Agenda item 17

Report of the Credentials Committee

Decision of the Assembly of the International Seabed Authority relating to the credentials of representatives at the twenty-ninth session of the International Seabed Authority

The Assembly of the International Seabed Authority approves the report of the Credentials Committee.¹

*213th meeting
2 August 2024*

¹ ISBA/29/A/10/Rev.1.





Assembly

Distr.: General
2 August 2024

Original: English

Twenty-ninth session

Kingston, 29 July–2 August 2024

Agenda item 18

Election of the Secretary-General, in accordance with article 166, paragraph 2, of the Convention

Decision of the Assembly of the International Seabed Authority concerning the election of the Secretary-General

The Assembly of the International Seabed Authority,

Acting in accordance with article 160, paragraph 2 (b), of the United Nations Convention on the Law of the Sea of 10 December 1982¹ and rules 72 and 73 of the rules of procedure of the Assembly of the International Seabed Authority,²

Elects Ms. Leticia Reis de Carvalho (Brazil) as Secretary-General of the International Seabed Authority for a four-year term from 1 January 2025 to 31 December 2028.

*213th meeting
2 August 2024*

¹ United Nations, *Treaty Series*, vol. 1833, No. 31363.

² ISBA/A/6.





Assembly

Distr.: General
2 August 2024

Original: English

Twenty-ninth session

Kingston, 29 July–2 August 2024

Agenda item 19

Election to fill the vacancies on the Council, in accordance with article 161, paragraph 3, of the Convention

Decision of the Assembly of the International Seabed Authority relating to the election to fill the vacancies on the Council of the Authority in accordance with article 161, paragraph 3, of the United Nations Convention on the Law of the Sea

The Assembly of the International Seabed Authority,

Recalling that, in accordance with article 161, paragraph 3, of the United Nations Convention on the Law of the Sea,

“Elections shall take place at regular sessions of the Assembly. Each member of the Council shall be elected for four years”,

Elects the following to fill the vacancies in the Council of the International Seabed Authority for a four-year period from 1 January 2025 to 31 December 2028, subject to the understandings reached in the regional and interest groups:¹

Group A

China
Japan

Group B

India

¹ The agreed allocation of seats on the Council is 10 seats to the Group of African States, 9 seats to the Group of Asia-Pacific States, 8 seats to the Group of Western European and Other States, 7 seats to the Group of Latin American and Caribbean States and 3 seats to the Group of Eastern European States. Since the total number of seats allocated according to that formula is 37, it is understood that, in accordance with the understanding reached in 1996 (see ISBA/A/L.8 and [ISBA/A/L.8/Corr.1](#)), each regional group other than the Group of Eastern European States will relinquish a seat in rotation. The regional group that relinquishes a seat will have the right to designate a member of that group to participate in the deliberations of the Council without the right to vote during the period the regional group relinquishes the seat.



Group C

Canada
South Africa

Group D

Bangladesh²
Brazil
Uganda

Group E

Argentina
Costa Rica
Mauritius
Morocco
Netherlands (Kingdom of the)³
Poland
Spain⁴
Trinidad and Tobago
United Kingdom of Great Britain and Northern Ireland⁵
United Republic of Tanzania

*214th meeting
2 August 2024*

² Bangladesh is re-elected for a period of four years (2025–2028), on the understanding that it will relinquish its seat in Group D to the Philippines for the year 2027.

³ The Kingdom of the Netherlands is elected for a four-year term (2025–2028) as a member of Group E, on the understanding that it will relinquish its seat to Belgium for the year 2025 and to Norway for the years 2026 and 2028.

⁴ Spain is elected for a four-year term (2025–2028) as a member of Group E, on the understanding that it will relinquish its seat to Portugal for the year 2025.

⁵ The United Kingdom of Great Britain and Northern Ireland is elected for a four-year term (2025–2028) as a member of Group E, on the understanding that it will relinquish its seat to Ireland for the year 2025.



Assembly

Distr.: General
4 August 2024

Original: English

Twenty-ninth session

Kingston, 29 July–2 August 2024

Statement by the President on the work of the Assembly of the International Seabed Authority at its twenty-ninth session

1. The twenty-ninth session of the Assembly of the International Seabed Authority was held in Kingston from 29 July to 2 August 2024. On 1 August, in celebration of Emancipation Day in Jamaica, the host country of the Authority, there was no meeting of the Assembly.

I. Adoption of the agenda

2. At its 207th meeting, on 29 July, the Assembly adopted the agenda for its twenty-ninth session ([ISBA/29/A/1](#)).

II. Election of the President and Vice-Presidents of the Assembly

3. At the 207th meeting, Amara Sowa (Sierra Leone), the head of the delegation from which the President of the twenty-eighth session was elected, presided as temporary President pursuant to rule 27 until the election of his successor, as consultations were ongoing among the Eastern European States for their nomination of a candidate for the presidency of the Assembly for its twenty-ninth session.

4. At the same meeting, the representatives of Nauru (Asia-Pacific States), Portugal (Western European and Other States) and the Dominican Republic (Latin American and Caribbean States) were elected Vice-Presidents of the Assembly for the twenty-ninth session.

III. Appointment and report of the Credentials Committee

5. At its 207th meeting, the Assembly appointed a Credentials Committee, consisting of the following members: Brazil, Chile, Côte d'Ivoire, Indonesia, Ireland, Japan, Switzerland and South Africa.

6. The Credentials Committee met on 31 July and 2 August and elected Carl Grainger (Ireland) as its Chair. The Committee examined the credentials of representatives participating in the twenty-ninth session and the proxy voting documents.



7. At the 213th meeting, on 2 August, the Chair of the Credentials Committee presented the report of the Committee ([ISBA/29/A/10/Rev.1](#)). At the same meeting, the report, with the oral revisions proposed by the Chair of the Committee, was approved by the Assembly. The decision of the Assembly relating to credentials is contained in document [ISBA/29/A/12](#).

IV. Requests for observer status in the Assembly

8. At the 207th meeting, in accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly and the guidelines for observer status of non-governmental organizations with the Authority, the Assembly considered 16 applications for observer status from the following applicants: Tetiaroa Society; Gujarat National Law University; CSA Ocean Sciences Inc.; Institute for Sustainable Development and International Relations/Institut du développement durable et des relations internationales; the Administrative Center for China's Agenda 21; the American Samoa Economic Development Council; the New World Hope Organization; Centre for Community and Oceanic Law; Opes Oceani Foundation, Inc.; the British Institute for International and Comparative Law; the National Oceanography Centre; the Maui Nui Makai Network; the Center for Biological Diversity; Impossible Metals Inc.; the Seafloor Mineral Developers Association; and Centro Mexicano de Derecho Ambiental A.C. The Assembly granted observer status to all applicants except Impossible Metals Inc. and the Seafloor Mineral Developers Association.

V. Fifth edition of the Secretary-General's Award for Excellence in Deep-Sea Research

9. At an informal meeting, on 29 July, the Secretary-General presented the fifth edition of his Award for Excellence in Deep-Sea Research to Rengaiyan Periasamy (India), a young project scientist at the National Centre for Polar and Ocean Research in India, for his significant contribution to understanding and monitoring global deep-sea ecosystems. The Secretary-General expressed his gratitude to the Government of Monaco for its continuing contribution in support of the Award since its inception and welcomed the contribution from Loke CCZ, which had offered a berth on an exploration cruise in 2026.

10. The delegation of Monaco congratulated Mr. Periasamy and reiterated the continued commitment of Monaco to the initiative, as well as to the promotion and encouragement of scientific research in the Area to support the protection and preservation of the marine environment. The representative of India expressed appreciation for the recognition of Mr. Periasamy's efforts and acknowledged the significance of the Award for his future career. The Assembly also congratulated Mr. Periasamy on receiving the Award.

VI. Annual report of the Secretary-General

11. At the 207th meeting, the Secretary-General presented his annual report, submitted in accordance with article 166, paragraph 4, of the United Nations Convention on the Law of the Sea, comprising an official document ([ISBA/29/A/2](#)) and an illustrated publication entitled *Leading Precautionary and Responsible Governance of the Ocean Global Commons Based on Science, Solidarity and Transparency*. Under the same agenda item, the Secretary-General also reported on the amounts in arrears (see [ISBA/29/A/7](#)) and on the implementation of the action

plan of the International Seabed Authority in support of the United Nations Decade of Ocean Science for Sustainable Development (see [ISBA/29/A/5](#)).

12. The Secretary-General opened his presentation by welcoming San Marino as the 170th member of the Authority and stressed the increased commitment to the Authority among member States, as confirmed by the growing number of permanent missions accredited to the Authority.

13. During the 208th, 209th, 210th and 211th meetings, from 29 to 31 July, the Assembly conducted a general debate on the reports of the Secretary-General. Two regional groups, 53 members of the Authority and 15 observers made statements, in addition to one joint statement by the Pacific island States. Statements were also made by the President of Palau, Surangel S. Whipps Jr.; the President of Nauru, David Adeang; the Minister of Climate Change Adaptation, Meteorology and Geo-Hazards, Energy, Environment and Disaster Management of Vanuatu, Ralph Regenvanu; the Permanent Secretary, Ministry of Foreign Affairs and Foreign Trade of Jamaica, Sheila Sealy Monteith; the Assistant Minister to the Prime Minister of the Cook Islands, Sonny Williams; and the Minister for the Environment and Natural Resources of the Bahamas, Vaughn Miller.

14. Several delegations commented on the number of members that had provided information pursuant to article 84 of the Convention and recalled the importance of the establishment of the limits of the continental shelf in determining the geographical scope of the mandate of the Authority.

15. The majority of delegations commended the Secretary-General for the comprehensive report that he had submitted, noting that the report provided a thorough overview of the work carried out by the Authority in line with the strategic directions and associated outputs outlined in the strategic plan and the high-level action plan of the Authority.

16. Most delegations welcomed the increase in the membership of the Authority with the accession of San Marino to 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 (1994 Agreement). They expressed their strong commitment to the integrity of the Convention and the 1994 Agreement as the overarching legal and normative basis for all activities carried out in the marine environment. Many delegations stressed the important role of the Authority in global ocean governance and its role as steward of the Area and its resources. In celebrating the thirtieth anniversary of the establishment of the Authority, many delegations highlighted its continuing relevance in ensuring the effective and sustainable administration of the Area and its resources as the common heritage of humankind, while ensuring protection of the marine environment.

17. Delegations noted the progress made by the Council in the development of the draft regulations on exploitation and welcomed the advancements made by the Council on the first reading of the consolidated draft text of the regulations.

18. Several delegations reiterated that contracts for exploitation should not be granted until agreement had been reached on a robust legal regime, including adequate measures for the protection of the marine environment, an inspection mechanism and a system for sharing the benefits from activities in the Area.

19. Many delegations emphasized the Authority's contribution to achieving the 2030 Agenda for Sustainable Development, noting that it had already contributed to 12 of the 17 Sustainable Development Goals and, in particular, to Goal 14 on the conservation and sustainable use of the oceans, seas and marine resources. Delegations further welcomed the support of the Authority for the United Nations Decade of Ocean Science for Sustainable Development and the advancements made

under the action plan adopted by the Authority. Several delegations recognized the importance of the global call for action for ensuring the stewardship of the Area and its resources for the benefit of all humanity through deep-sea science, technology and innovation, launched at a side event organized by the Authority and co-sponsored by Argentina and Bangladesh on the margins of the Sustainable Development Goals Summit held in New York in September 2023, and invited other members of the Authority to join it.

20. Many delegations commended the active participation and representation of the Authority in the process leading to the adoption of an internationally legally binding instrument on marine biodiversity in areas beyond national jurisdictions. In that regard, many delegations welcomed the report commissioned by the Secretary-General on the contribution of the Authority to the agreement.

21. Some delegations acknowledged with appreciation the Authority's contribution to other global and regional processes, such as the Kunming-Montreal Global Biodiversity Framework, as well as its continued productive and positive cooperation with United Nations entities.

22. Several delegations highlighted the importance of ensuring that the legal mandate assigned to different organizations responsible for the protection and sustainable use of the marine environment was respected pursuant to the specific responsibilities recognized by the Convention, the 1994 Agreement and specific regional treaties in order to avoid overlap and enhance coordination among them. At the same time, and without prejudice to the relevant and applicable decision-making processes, some delegations recognized that there was merit in the Authority cooperating with other organizations and frameworks that contributed to global management of the ocean, with a view to ensuring the effective protection of the marine environment.

23. The majority of delegations congratulated Eden Charles on his appointment as interim Director General of the Enterprise. In recognizing the key role played by the Enterprise in the architecture of the Authority, many delegations emphasized its significance in facilitating the participation of developing States in activities in the Area.

24. Some delegations also highlighted the importance of making progress on the operationalization of the Economic Planning Commission.

25. A number of delegations expressed appreciation for the continued contributions from member States and stakeholders to the voluntary trust funds, which are essential for ensuring the full participation and representation of developing States in the meetings of the Authority. Several delegations invited States that were in a position to contribute to such funds to do so.

26. Delegations also called upon member States in arrears with their assessed contributions to pay those arrears as soon as possible and urged the Secretary-General to continue to actively engage with those member States.

27. Delegations welcomed the progress made under the International Seabed Authority Partnership Fund with the endorsement of several projects that are in line with the objectives of promoting and encouraging the conduct of marine scientific research for the benefit of humankind as a whole and developing the capacities of developing States members of the Authority, in particular the least developed countries, landlocked developing countries and small island developing States. In the light of the significance of the projects carried out with the financial support of the Fund, including those announced by the Secretary-General to celebrate the thirtieth anniversary of the Authority, delegations encouraged other member States, observers and other stakeholders to donate to the Fund.

28. Most delegations commended the work and efforts invested by the Authority in enhancing the capacity of developing States in line with the key result areas set out in the capacity development strategy adopted in 2022. Many noted that between July 2023 and June 2024 more than 230 individuals from 62 countries had benefited from at least one capacity-building or capacity development activity implemented by the Authority. Delegations expressed appreciation for the number of trainees in the contractor training programme (139 in the reporting period) and commended those contractors that had pledged to allocate half of their training opportunities to women.

29. Several delegations welcomed the launch of the alumni network of former trainees to serve as a pool of knowledge for developing States. Many delegations also praised the launch of “Deep Dive”, the e-learning platform of the Authority, as a new mechanism to build and develop the capacities of developing States. Many delegations expressed appreciation for the comprehensive programme of lectures available on the platform and encouraged the secretariat to continue to expand the initiative.

30. Several delegations noted with appreciation specific projects implemented to address the specific needs identified by developing States and members of the Authority, in particular the Africa Deep Seabed Resources project jointly implemented by the African Union and the Authority, with the support of the Norwegian Agency for Development Cooperation; and the Abyssal Initiative for Blue Growth implemented jointly by the Authority and the Department of Economic and Social Affairs of the United Nations Secretariat, with the support of the Norwegian Agency for Development Cooperation. Some delegations highlighted the need to continue to work on such projects to build and strengthen the capacity of developing member States of the Authority.

31. Other delegations also welcomed the progress made by the International Seabed Authority-China Joint Training and Research Centre in advancing the activities carried out in partnership with the Technology Bank for the Least Developed Countries, which included the deployment of two experts from Nepal and the United Republic of Tanzania to the secretariat in 2024.

32. Many delegations commended the personal commitment of the Secretary-General to advancing women’s empowerment and leadership in ocean affairs, including in deep-sea research and through the Impact Group on Research and Oceans for Women established in June 2022 through the International Gender Champions network. Several delegations expressed appreciation for the success of the measures taken to promote gender parity among secretariat staff, including by reaching gender parity in senior professional roles.

33. Delegations specifically underscored the significant progress and outcomes of the Women in Deep-Sea Research project as a vital initiative to address the underrepresentation of women in deep-sea science and related disciplines. Many delegations acknowledged the significant advancements made under the “See Her Exceed” programme, the first-ever global mentoring programme aimed at women scientists from developing States and, in particular, those from the least developed countries, landlocked developing countries and small island developing States. Several delegations requested the secretariat to expand the mentoring networks.

34. Many delegations welcomed the increase in collaboration and strategic partnerships established between the Authority and national, regional and international organizations, noting with appreciation the increased number of partnerships established with research organizations in developing States. Several delegations recognized with appreciation the cooperative arrangement between the Authority and the International Hydrographic Organization, as well as the closer relations with the Division for Ocean Affairs and the Law of the Sea of the United

Nations Secretariat on matters related to the future entry into force of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction. Delegations urged the Authority to further promote and encourage the advancement of marine scientific research in the Area and the transfer of technology to support equal and effective participation in the activities of the Authority by developing States in all regions.

35. Several delegations noted with appreciation advancements under initiatives and projects such as the Sustainable Seabed Knowledge Initiative and the Seabed Mining and Resilience to Experimental impact project.

36. Several delegations expressed satisfaction with the overall achievement of the Authority under each strategic direction despite limited financial and human resources and stressed that it was operating in an inclusive and transparent manner. Some delegations expressed satisfaction with the increased geographical representation in the staff of the secretariat, while others noted that more work needed to be carried out in the context of the transfer of marine technology to developing countries.

37. Some delegations noted with appreciation that an evolutionary approach was being applied to the creation of organs of the Authority and stressed the need to consider the operationalization of the Economic Planning Commission.

38. During the consideration of the annual report of the Secretary-General, several delegations made statements of a general nature. Several delegations expressed their national positions on deep seabed mining and the need to ensure robust regulatory frameworks for the protection of the marine environment, prior to the approval of any plan of work for exploitation. Several delegations stressed the need to ensure that the Convention, as a package deal, was upheld and implemented as a whole. In this context, many delegations also recognized the important role of the Authority in the ocean governance architecture.

VII. Adoption of the extended high-level action plan of the Authority for the period 2019–2025

39. During the twenty-eighth session, the Assembly decided that the strategic plan of the Authority for the period 2019–2023 would be extended for an additional two years and consequently requested the Secretary-General to review the high-level action plan for 2019–2023 to extend it in line with the extended period. An extended high-level action plan for the period 2019–2025 was proposed for consideration and adoption by the Assembly (see [ISBA/29/A/8](#)). The extension had no bearing on the substance of the plan; adjustments were made only to some time frames identified initially for agreed outputs in the light of progress in the implementation of the relevant action items.

40. At its 214th meeting, on 2 August, the Assembly adopted the extended high-level plan for the Authority for the period 2019–2025, as provided in the annex to document [ISBA/29/A/8](#).

VIII. Periodic review of the international regime of the Area pursuant to article 154 of the Convention

41. During the twenty-eighth session, the Assembly decided to include the periodic review of the international regime of the Area pursuant to article 154 of the

Convention as an agenda item for the twenty-ninth session of the Assembly in 2024, with a view to adopting a decision thereon (see [ISBA/28/A/16](#)). The Assembly also requested the Finance Committee to consider and provide recommendations to the Assembly on the budgetary implications pertaining to the undertaking of a second periodic review. Those recommendations are contained in the report of the Finance Committee ([ISBA/29/A/9-ISBA/29/C/20](#)).

42. Divergent views were expressed on the undertaking of a second periodic review of the international regime of the Area pursuant to article 154 of the Convention. Several delegations stressed that the language of article 154 made the review mandatory. Several delegations considered that a review was premature and would place a heavy financial and resource burden on the secretariat while the priority was the adoption of the regulations on exploitation of mineral resources in the Area. In the light of the circumstances, a call was made for a pragmatic approach, including finding alternative methods using the strategic plan for the Authority.

43. At its 214th meeting, the Assembly decided to defer its consideration of the question of the periodic review to the thirtieth session.

IX. Report of the interim Director General of the Enterprise

44. At its 214th meeting, the Assembly received with appreciation the first report of the newly recruited interim Director General of the Enterprise ([ISBA/29/A/6-ISBA/29/C/12](#)). Delegations supported the ongoing activities and efforts of the interim Director General and emphasized the vital role of the Enterprise in facilitating the participation of developing States in activities in the Area and their access to benefits from such activities. The interim Director General was encouraged to monitor the continuously evolving technology for not only exploitation, but also protection of the marine environment.

X. Adoption of the budget of the Authority

45. At its 211th meeting, on 31 July, the Assembly considered the budget, as proposed by the Secretary-General (see [ISBA/29/A/3/Add.1-ISBA/29/C/11/Add.1](#)) and recommended by the Finance Committee (see [ISBA/29/A/9-ISBA/29/C/20](#)) and the Council (see [ISBA/29/C/21](#)). At the same meeting, the Assembly adopted a decision relating to the budget of the Authority for the financial period 2025–2026 (see [ISBA/29/A/11](#)).

XI. General policy of the Authority for the protection and preservation of the marine environment

46. As requested by note verbale dated 19 April 2024 from the Permanent Mission of Chile to the Authority, an item entitled “Proposal for a general policy of the Authority for the protection and preservation of the marine environment” was included on the provisional agenda of the twenty-ninth session of the Assembly. A proposal for a general policy on the protection and preservation of the marine environment was submitted by several countries, namely Brazil, Chile, Costa Rica, France, Germany, Ireland, Palau, Switzerland and Vanuatu (see [ISBA/29/A/4](#)).

47. While recognizing the importance of ensuring the effective protection of the marine environment from harmful effects that could be caused by activities in the Area, many delegations raised concerns about the proposed policy in relation to its aim (sustainable use of minerals versus a moratorium), timing, procedure, budgetary

implications, consistency with part XI of the Convention and overlap with other priorities currently pursued by the Council, including the development and adoption of the draft regulations on exploitation of mineral resources in the Area.

48. At its 214th meeting, the Assembly had not reached a consensus on the proposal and its revisions following a week of consultations. The Assembly decided not to defer consideration of the item to its thirtieth session.

XII. Statement by the President of the Council on the work of the Council during the twenty-ninth session

49. At its 212th meeting, on 31 July, the Assembly took note of the statement of the President of the Council on the work of the Council during the twenty-ninth session ([ISBA/29/C/9](#) and [ISBA/29/C/9/Add.1](#)).

XIII. Election of the Secretary-General

50. The Assembly was invited to elect a Secretary-General from among the two candidates proposed by the Council (see [ISBA/29/C/22](#)). The Assembly decided to proceed with a formal vote for the election pursuant to rules 72 and 73 of the rules of procedure of the Assembly.

51. The Assembly noted that Bolivia (Plurinational State of), Equatorial Guinea, Guinea-Bissau, Haiti, Honduras, Liberia and Senegal had communicated their wish to exercise their voting rights pursuant to article 184 of the Convention.

52. In the absence of a consensus, the Assembly decided not to authorize those States to exercise their voting rights but requested that the Finance Committee define criteria and a process for the assessment of the conditions to allow the Assembly to exercise its discretionary functions under article 184 of the Convention.

53. At its 213th meeting, on 2 August, the Assembly elected Leticia Carvalho (Brazil) for a four year-term from 1 January 2025 until 31 December 2028 (see [ISBA/29/A/13](#)).

XIV. Election to fill vacancies on the Council, in accordance with article 161, paragraph 3, of the Convention

54. At its 214th meeting, the Assembly adopted a decision relating to the election of 18 members to fill vacancies on the Council for a four-year term from 1 January 2025 to 31 December 2028 ([ISBA/29/A/14](#)).

XV. Dates of the next session of the Assembly

55. The thirtieth session of the Assembly will be held in Kingston from 21 to 25 July 2025. It will be the turn of the Latin American and Caribbean States group to nominate a candidate for the presidency of the Assembly.



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Item 18 of the provisional agenda*

Cooperation with other relevant international organizations

Memorandum of understanding between the Food and Agriculture Organization of the United Nations and the International Seabed Authority

Note by the Secretary-General

I. Introduction

1. By virtue of article 169, paragraph 1, of the United Nations Convention on the Law of the Sea of 10 December 1982, the Secretary-General of the International Seabed Authority shall, on matters within the competence of the Authority, make suitable arrangements for consultation and cooperation with international and non-governmental organizations recognized by the Economic and Social Council of the United Nations. Such arrangements require the approval of the Council of the Authority. Organizations with which the Secretary-General has entered into an arrangement are permitted to designate representatives to attend meetings of the organs of the Authority as observers in accordance with the rules of procedures of those organs. Written reports of the organizations on subjects related to the work of the Authority and in which they have special competence may be distributed to States parties by the Secretary-General.

II. Memorandum of understanding between the Food and Agriculture Organization of the United Nations and the International Seabed Authority

2. The Food and Agriculture Organization of the United Nations (FAO) is a specialized agency of the United Nations for food and agriculture. FAO has a mandate to work globally on all aspects of food and agriculture (including fisheries, forestry and natural resources' management), food security and nutrition across the humanitarian-development continuum.

* ISBA/29/C/L.1.



3. By virtue of rule 82, paragraph 1 (d), of the rules of procedure of the Assembly, FAO is an observer in the Assembly of the Authority and may participate in the deliberations of the Assembly upon the invitation of the President on questions within the scope of its competence. By extension, pursuant to rule 75 of the rules of procedure of the Council of the Authority, FAO may, upon the invitation of the Council, designate a representative to participate in the deliberations of the Council, without the right to vote, on questions affecting it or the scope of its activities. The right to, among other things, participate in or consult the Council does not extend to subsidiary organs (as in the case of the Assembly) or to the secretariat, hence the need for the formalization of cooperation through a memorandum of understanding.

4. In the light of the number of areas of common interest, the Authority and FAO, which is an observer to the Authority, have had exchanges on the possibility of formalizing their cooperation.

5. The terms of the draft memorandum of understanding were finalized at the technical level by the secretariats of the Authority and FAO before it was formally submitted to the Authority for consideration by its Council in March 2024.

6. The proposed memorandum of understanding, as drafted jointly by the secretariats of FAO and the Authority, is contained in the annex to the present document. The draft follows the pattern of similar cooperation arrangements previously concluded between FAO and interested entities, and is submitted for consideration by the Council, in accordance with article 169 of the Convention.

III. Action by the Council

7. The Council is invited to take note of the present note and its annex and approve the memorandum of understanding between FAO and the Authority.

Annex

Memorandum of understanding between the Food and Agriculture Organization of the United Nations and the International Seabed Authority

This memorandum of understanding is entered into between the Food and Agriculture Organization of the United Nations (hereinafter referred to as “FAO”), headquartered in Rome, Italy, and the International Seabed Authority (hereinafter referred to as “the Authority”), headquartered in Kingston, Jamaica.

Whereas FAO is a specialized agency of the United Nations system established in 1945, comprising 194 member nations, one member organization and two associate members. Its vision is of a world free from hunger and malnutrition where food and agriculture contribute to improving the living standards of all, especially the poorest, in an economically, socially and environmentally sustainable manner. Its three goals are the eradication of hunger, food insecurity and malnutrition; the elimination of poverty and the driving forward of economic and social progress for all; and sustainable management and utilization of natural resources, including land, water, air, climate and genetic resources. FAO has a mandate to work globally on all aspects of food and agriculture (including fisheries, forestry and natural resources’ management), food security and nutrition across the humanitarian-development continuum;

Whereas the FAO Strategic Framework 2022–2031 is guided by the FAO vision and the three global goals of members and is firmly anchored in the Sustainable Development Goals, and the organizing principle of the four “betters” – better production, better nutrition, a better environment and a better life, leaving no one behind – demonstrates how FAO intends to support the achievement of the Sustainable Development Goals and reflects the interconnected economic, social and environmental dimensions of agrifood systems while encouraging a strategic and systems-oriented approach;

Whereas FAO has the mandate to work with its members and partners to transform aquatic systems and promote the responsible and sustainable management of aquatic food systems, for better production, better nutrition, a better environment and a better life, leaving no one behind, and also promotes national, regional and global enhanced fisheries management, expanded sustainable aquaculture and upgraded value chains development, transferring knowledge and helping to develop capacities of FAO members and stakeholders;

Whereas the Authority, established by the entry into force of the United Nations Convention on the Law of the Sea (hereinafter referred to as “the Convention”), signed in Montego Bay on 10 December 1982, is the competent organization through which States parties to the Convention will, in accordance with Part XI of 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”), adopted on 28 July 1994 by General Assembly resolution [48/263](#), organize and control activities in the international seabed area (hereinafter referred to as “the Area”), particularly with a view to administering the mineral resources of the Area, as defined in article 1, paragraph 1 (1), of the Convention. The Authority is comprised of 168 member States and the European Union;

Whereas the Authority promotes and encourages the conduct of marine scientific research with respect to activities in the Area and the collection and dissemination of the results of such research and analysis, when available, with particular emphasis on research related to the environmental impact of activities in the

Area in accordance with article 143 of the Convention and section 1, paragraph 5 (h), of the 1994 Agreement;

Whereas the Authority is competent to take necessary measures in order to ensure effective protection of the marine environment from harmful effects which may arise from activities in the Area as set out in article 145 of the Convention and section 1, paragraph 5 (g), of the 1994 Agreement;

Whereas the Authority and FAO (collectively referred to as “Parties” and individually as “Party”) seek consultation and cooperation with, inter alia, other international organizations on matters within their respective competence;

Recognizing the importance of the protection of the marine environment, the sustainable use of natural resources, biodiversity conservation, marine scientific research, and the international sectoral and cross-sectoral coordination in the management of areas beyond national jurisdiction, as critical elements in support of the achievement of global Sustainable Development Goals and global, regional and national strategic priorities, especially to advance sustainable ocean economies, and of the implementation of the Agreement under the Convention on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, adopted on 19 June 2023;

Aware that increased cooperation between FAO and the Authority will help to ensure appropriate coordination of policy measures within their respective mandates in areas beyond national jurisdiction to achieve this common objective;

FAO and the Authority have agreed to cooperate as follows:

Article 1

Purpose

The purpose of this memorandum of understanding is to facilitate cooperation and collaboration between FAO and the Authority in the areas of common interest detailed in article 2 below, in particular in relation to deep-sea fisheries and matters pertaining to areas beyond national jurisdiction.

Article 2

Areas of cooperation

The Parties will encourage and develop collaborative activities, where appropriate and practical, in the following areas of mutual interest:

- (a) Sharing and managing of information and non-confidential data related to deep-sea biodiversity;
- (b) Development of scientific approaches for the sustainable management of activities under each Party’s respective mandate in areas beyond national jurisdiction;
- (c) Development of coherent and transparent management approaches in areas beyond national jurisdiction; and
- (d) Promoting capacity-building related to the management of areas beyond national jurisdiction, increasing and developing general knowledge and awareness of the deep sea, and promoting gender equality in deep-sea research, particularly in developing countries.

Article 3

Implementation arrangements

1. This memorandum of understanding implies no financial commitment by either Party except as specified in this memorandum of understanding. Activities to be

implemented under this memorandum of understanding are subject to the availability of personnel and financial resources. The implementation of each area of cooperation in this memorandum of understanding, including those involving the transfer of funds between the Parties, shall require the execution of appropriate separate legal agreements between the Parties in accordance with their respective rules and regulations. The terms of such agreements shall be subject to the provisions of this memorandum of understanding.

2. Separate legal agreements between the Parties as expressed in paragraph 1 above shall set out detailed and specific technical, financial and other appropriate conditions for collaboration, as well as conditions relating to each Party's role, responsibilities and liability. Such arrangements will be jointly formulated and concluded on a case-by-case basis between the Parties.

Article 4

Status of the Parties and their personnel

1. The Parties acknowledge and agree that they are entities separate and distinct from each other. The employees, personnel, representatives, agents, contractors or affiliates of each Party, including the personnel engaged to carry out any of the activities, projects or programmes conducted pursuant to this memorandum of understanding, shall not be considered in any respect or for any purposes whatsoever as being employees, personnel, representatives, agents, contractors or affiliates of the other Party.

2. The Parties shall undertake the activities under this memorandum of understanding in accordance with the rules and regulations to which they are subject. Where compliance with rules may lead to a difficulty in performing under the memorandum of understanding, or adhering to its provisions, the Party concerned undertakes to draw this to the attention of the other Party with a view to resolving the matter appropriately and amicably.

3. Neither Party shall be entitled to act or make legally binding declarations on behalf of the other Party. Nothing in this memorandum of understanding shall be deemed to constitute a joint venture, agency, interest grouping or any other kind of formal grouping or entity between the Parties.

Article 5

Confidentiality

1. It is acknowledged that each Party may possess confidential information, including personal data, which is proprietary to it or to third parties collaborating with it. Any information provided by one Party (as the "Disclosing Party") to the other Party (as the "Receiving Party") in the context of this memorandum of understanding shall be treated by the Receiving Party as confidential and shall only be used by the Receiving Party for the purpose for which it was provided.

2. The Receiving Party shall take all reasonable measures to keep information pursuant to paragraph 1 above confidential and shall only use the information for the purpose for which it was provided. The Receiving Party shall ensure that any persons having access to said information shall be made aware of and be bound by the obligations of the Receiving Party hereunder.

3. Notwithstanding the foregoing, there shall be no obligation of confidentiality or restriction on use where: (a) the information is publicly available, or becomes publicly available otherwise than by action of the Receiving Party; or (b) the information was already known to the Receiving Party (as evidenced by its written records) prior to its receipt; or (c) the information was received from a third party not

in breach of an obligation of confidentiality owed to the Disclosing Party; or (d) the Disclosing Party has given its written consent to disclosure to the Receiving Party.

Article 6
Intellectual property rights

1. Intellectual property rights, in particular copyright, in material such as information, software and designs, made available by the Authority and FAO to be used to carry out activities under this memorandum of understanding shall remain with the originating Party. Appropriate authorizations for use of such materials by the other Party will be addressed in the agreements concluded in accordance with article 3 (1) above.

2. Intellectual property rights in materials developed under this memorandum of understanding, such as information, software and designs, and appropriate authorizations for use of such materials by either of the Parties will be addressed in the agreements concluded in accordance with article 3 (1) above.

Article 7
Responsibility

Each Party will be responsible for dealing with any claims or demands arising out of its actions or omissions, and those of its personnel, in relation to this memorandum of understanding.

Article 8
Contacts for correspondence

All correspondence regarding the implementation of this memorandum of understanding, including notifications made pursuant to this memorandum of understanding, shall be addressed to:

For FAO: Senior Fishery Officer, NFIDD
Fisheries and Aquaculture Division
Food and Agriculture Organization of the United Nations
Viale delle Terme di Caracalla
00153 Rome, Italy
+39 06 57052873
common-oceans@fao.org

For the Authority: José Dallo
Director, Office of Environmental Management and
Mineral Resources
International Seabed Authority
14-20 Port Royal Street
Kingston, Jamaica
jdallo@isa.org.jm

Article 9
Notification and amendments

1. Each Party shall promptly notify the other in writing of any anticipated or actual material changes that shall affect the execution of this memorandum of understanding.

2. This memorandum of understanding may be amended at any time by the mutual consent, expressed in writing, of the Parties. Any such amendment will come into

effect one (1) month following notifications of consent by both Parties to the requested amendments or on a date otherwise agreed in writing for the amendment to enter into force. If the written mutual consent occurs on two (2) different dates, amendments will take effect on the date of the second notification. Each Party shall give sympathetic consideration to any amendment proposed by the other.

Article 10 **Settlement of disputes**

Any disputes between the Parties concerning the interpretation and execution of this memorandum of understanding, or any document or arrangement relating thereto, shall be settled by negotiation between the Parties. Any differences that may not be so settled shall be brought to the attention of the executive heads of the Parties for final resolution.

Article 11 **Privileges and immunities of the Parties**

1. Nothing in or relating to this memorandum of understanding, or in any document or arrangement relating thereto, will be construed: (a) as a waiver of any of the privileges and immunities of FAO and of the Authority, nor as extending any privileges or immunities of each Party to the other Party, or to its personnel; (b) as the acceptance by the Parties of the applicability of the laws of any country; or (c) as the acceptance by the Parties of the jurisdiction of the courts of any country.

2. This memorandum of understanding and any document or arrangement relating thereto shall be governed by general principles of law, to the exclusion of any single national system of law. Such general principles of law shall include the International Institute for the Unification of Private Law General Principles of International Commercial Contracts 2016.

Article 12 **Use of name and logo**

The Parties agree not to use the other Party's name or logo in any press release, memo, report or other published disclosure related to this memorandum of understanding without the prior consent of the Party concerned.

Article 13 **Entry into force, duration and termination**

1. This memorandum of understanding shall be signed by the duly authorized representatives of the Parties and shall enter into force upon the date of the last signature. It shall remain in force for a period of five years, unless terminated in accordance with the terms of this article.

2. Subject to satisfactory past implementation, this memorandum of understanding may be renewed for similar periods thereafter by written agreement between the Parties through an exchange of letters.

3. This memorandum of understanding may be terminated by either Party upon the provision of three (3) months' written notice to the other Party.

4. Upon termination of this memorandum of understanding, the rights and obligations of the Parties defined under any other legal agreement executed pursuant to this memorandum of understanding shall cease to be effective.

5. Notwithstanding the foregoing, any termination of this memorandum of understanding shall be without prejudice to: (a) the orderly completion of any ongoing

collaborative activity; and (b) any other rights and obligations of the Parties accrued prior to the date of termination under this memorandum of understanding or any legal agreement executed pursuant to this memorandum of understanding.

6. The provisions of articles 5, 6, 10 and 11 shall survive the expiry or termination of this memorandum of understanding.

In witness whereof, the undersigned have signed this memorandum of understanding in duplicate, in English, all originals being equally valid.

Signed at the _____ in _____

Date:

Qu Dongyu
Director General
Food and Agriculture Organization of
the United Nations

Date:

Michael W. Lodge
Secretary-General
International Seabed Authority



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Agenda item 20

Report of the Secretary-General on incidents in the NORI-D contract area of the Clarion Clipperton Zone

Incidents in the NORI-D contract area of the Clarion Clipperton Zone, 23 November to 4 December 2023

Report of the Secretary-General

I. Introduction

1. The present report is provided to facilitate an invitation extended to the Council by the President and the Vice-Presidents of the twenty-eighth session of the Council, contained in a statement issued on 15 December 2023,¹ to address certain incidents in the NORI-D contract area. On 15 February 2024, the President invited the Secretary-General to share any additional information that might be useful in this respect (including in relation to other contracts). The present report does not substitute, and should be read in conjunction with the reports of the Secretary-General to the Council dated 27 November 2023 (“Interim report on the immediate measures of the Secretary-General of the Authority”)² and 12 January 2024 (“Second report on the immediate measures of the Secretary-General of the Authority”),³ in which he addressed the implementation of immediate measures promulgated by the Secretary-General on 27 November 2023 in accordance with regulation 33 of the regulations on prospecting and exploration for polymetallic nodules in the Area.⁴ Those reports dealt in particular with the legal basis for and the circumstances justifying the promulgation of immediate measures on 27 November 2023. These detailed points are not repeated hereunder.

* ISBA/29/C/L.1.

¹ <https://www.isa.org.jm/wp-content/uploads/2024/02/Joint-Statement.pdf>.

² https://www.isa.org.jm/wp-content/uploads/2024/01/SG_Report_to_the_Council_on_the_Immediate_Measures.pdf.

³ https://www.isa.org.jm/wp-content/uploads/2024/01/Second_report_of_the_SG_on_the_immediate_measures.pdf.

⁴ ISBA/19/A/9; ISBA/19/C/17.



2. Under article 162 (2) (a) and (l) of the United Nations Convention on the Law of the Sea, the Council has the responsibility and the power to carry out the supervision of activities in the Area. It is the responsibility of the Secretary-General to assist the Council in carrying out this supervision and, specifically, to transmit to the Council information obtained by the Secretary-General in connection with events that may require action on the part of the Council. Allegations to the effect that the rights of contractors holding exclusive rights of exploration pursuant to contracts with the Authority may have been interfered with; or information indicating that the rights or interests of the Authority may have been interfered with are events which the Secretary-General is compelled to report to the Council. At the same time, it is the responsibility of the Secretary-General, as the chief administrative officer of the Authority, to act promptly and efficiently in the interests of the Authority and to protect the Authority's rights.⁵

II. Incidents reported by Nauru Ocean Resources Inc. and Tonga Offshore Mining Limited

3. Since 23 November 2023, the Secretariat has received several reports from Nauru Ocean Resources Inc. (NORI) and Tonga Offshore Mining Limited (TOML) concerning the conduct of Greenpeace International and its representatives, using the vessel *Arctic Sunrise*. In these reports NORI and TOML consistently and repeatedly requested the Authority to take steps in the face of what was described as an “interference” with their rights under their respective exploration contracts concluded with the Authority. To recall, these contracts are the following:

- Contract for exploration for polymetallic nodules between the Authority and NORI dated 11 January 2012.
- Contract for exploration for polymetallic nodules between the Authority and TOML dated 11 January 2012).

4. Pursuant to the NORI exploration contract, NORI is entitled to carry out exploration activities in the NORI-D contract area (which is defined in Schedule 2 of the NORI exploration contract with reference to coordinates). In this context, and consistent with its contractual rights and obligations, starting on 11 November 2023, NORI conducted a series of scientific activities as part of its programme of work for exploration in the NORI-D contract area. These activities were carried out in accordance with the NORI contract, with the stated objective of implementing various requests from the Legal and Technical Commission and to obtain scientific data and information that the Commission deemed to be necessary for the work of the Authority. In particular, the requests of the Commission concerned post-disturbance monitoring following the testing of a polymetallic nodule collector authorized after the environmental impact statement in 2022.⁶

⁵ This is fully in line with the general principle of the international law of intergovernmental organizations, recognized by the Permanent Court of International Justice in its advisory opinion of 1926 on the competences of the International Labour Organization and reiterated several times by the International Court of Justice, pursuant to which implied competences exist where the exercise of such competences is necessary for an organ to carry out its mandate and discharge its responsibilities. See Permanent Court of International Justice, Advisory Opinion on *Competence of the International Labour Organization to regulate, incidentally, the personal work of the employer*, 23 July 1926, P.C.I.J., Series B, No. 13, p. 18; and *International status of South-West Africa*, Advisory Opinion, *ICJ Reports 1950*, p. 128, at p. 137.

⁶ www.isa.org.jm/news/isa-legal-and-technical-commission-concludes-its-review-environmental-impact-statement/.

5. The Secretary-General understands that TOML has entered into a partnership with NORI for the purposes of carrying out this activity, with a view to collecting scientific data relevant to the exploration activities by TOML pursuant to its exploration contract. Accordingly, the activity in question was also an integral part of the TOML programme of work under its contract.

6. NORI and TOML both informed the Secretariat that, from 23 November to 4 December 2023, representatives of Greenpeace consistently and repeatedly interfered with the operation of the vessel *MV Coco*, which NORI and TOML used for the purposes of their exploration activities. The reports from NORI and TOML have been provided to the Council and are appended to the second report. According to the reports from NORI and TOML, the conduct of Greenpeace representatives included the following:

(a) Positioning the *Arctic Sunrise* in the immediate vicinity of the *MV Coco* (within a distance of less than 100 m), despite warnings from the master of the *MV Coco*, and repeatedly pressing Greenpeace's fast rescue watercraft against the hull of the *MV Coco*;

(b) A total of four Greenpeace representatives climbing on board the *MV Coco* without authorization from the master and refusing to disembark for approximately five days, preventing the deployment of equipment that NORI intended to use in implementing its programme of activities and creating serious safety hazards for the crew on board the *MV Coco* and also for themselves;

(c) Positioning Greenpeace's watercraft directly below the launch point of the remotely operated underwater vehicle on the *MV Coco* to prevent any deployment of scientific equipment, further aggravating safety hazards with the consequence that the equipment could not be operated;

(d) Consistently ignoring calls from the captain of the *MV Coco*, addressed to the crew of the *Arctic Sunrise*, requesting the latter to maintain a safe distance from the *MV Coco* and cease interference with its operations, and refusing to comply with the interim measures issued by the Secretary-General.

7. According to NORI and TOML, the interference caused by Greenpeace had the consequence of preventing NORI and TOML from proceeding with their respective activities in accordance with their respective plans of work and intended schedule. According to NORI and TOML, this has caused substantial, quantifiable damages. Greenpeace eventually left the NORI-D contract area on 4 December 2023, shortly after the transmission of the interim report to the Members of the Council.

III. Treatment by the Authority to date of allegations by Nauru Ocean Resources Inc.

8. Once in receipt of the first notification by NORI of the alleged conduct of Greenpeace on 25 November 2023, the Secretary-General promptly solicited comments from Greenpeace on the allegations received (which were supported by video, photographic and audio recordings) on 26 November 2023. On 27 November, Greenpeace responded to the Secretary-General that it had been conducting a "peaceful protest at sea", which Greenpeace claimed to be its right, against, inter alia, the fact that "NORI has announced, publicly and repeatedly, that it intends to apply for a plan of work next year, irrespective of the outcome of their science work and of the negotiation process taking place at the ISA, [which] is a testament to the intentions of the company: to extract resources from the global commons irrespective of the harm to the marine environment".

9. Having carefully considered the communications of Greenpeace, for the reasons explained in more detail in the interim report and the second report, which are already before the Council, on 27 November 2023, the Secretary-General promulgated interim measures of a temporary nature (immediate measures). The Council is referred in particular to paragraphs 3 to 10 of the interim report and paragraphs 17 to 18 of the second report, for detailed explanations as to the rationale for and circumstances of the promulgation of interim measures. The Secretary-General recalls that the immediate measures were intended to call for and facilitate the swift and efficient resolution of the situation unfolding in the NORI-D contract area, and their purpose was not to impose “orders” on any party. The Secretary-General, as the chief administrative officer of the Authority, is fully entitled to call upon any party causing interference with contractual rights granted by the Authority to cease such interference. This is necessary (a) in order to preclude any suggestion that the Authority has failed to act in accordance with its obligations under exploration contracts and (b) to protect the rights and interests of the Authority at all times.

10. In response to the promulgation of immediate measures, Greenpeace, in a letter dated 28 November 2023, expressly contested the competence of the Authority and unequivocally indicated that Greenpeace would not comply with the immediate measures. Greenpeace has not provided any further reports. NORI and TOML have provided repeated updates to the Authority as to the developments in the NORI-D contract area, up until the conclusion of the actions of Greenpeace on 4 December 2023.

11. NORI also reported to the Authority the legal proceedings that it commenced before the courts of the Kingdom of the Netherlands against Greenpeace, on 27 November 2023. The proceedings culminated in a decision of the Amsterdam District Court on 30 November 2023. The Court indicated in its decision that the purpose of the application by NORI to the Court was to obtain immediate relief against Greenpeace and put an end to its interference. The Secretary-General draws the attention of the Council in particular to the following points of the Court’s decision:

(a) The Court’s decision confirms that the conduct of Greenpeace gave rise to safety hazards;

(b) The Court’s decision indicates that Greenpeace made misrepresentations to the Amsterdam District Court and concealed the fact from the Court that the Secretariat had solicited comments from Greenpeace on the allegations by NORI before promulgating the immediate measures. This point is addressed in more detail in paragraph 24 of the interim report;

(c) While the Court in its decision partially upheld the application by NORI and ordered Greenpeace representatives to disembark from the *MV Coco*, the Court agreed with Greenpeace in that Greenpeace is entitled to continue its protest. The Court did not specify the distance that Greenpeace shall maintain from the *MV Coco*. This finding rests on the implied premise that the Amsterdam District Court has jurisdiction over alleged protests interfering with activities in the Area. While the application by NORI to the Amsterdam District Court, subject to the relevant rules of Dutch law, may be regarded as consent to such jurisdiction, it is concerning that the Amsterdam District Court did not address the issue of the Authority’s competence over the matter at length. To the extent that the Court’s decision touches upon the role of the Authority, its position appears to be thinly reasoned and vague. The Secretary-General invites the Council to consider the implications of the decision, in the light of the relevant provisions of the United Nations Convention on the Law of the Sea conferring upon the Authority the competence to control activities in the Area;

(d) The Court’s decision contains references to the European Convention on Human Rights (ECHR), and the Court appears to have accepted, in part, the arguments of Greenpeace to the effect that the Court had to apply ECHR to a situation where activities in the Area are interfered with in the context of an alleged protest.

12. Greenpeace has recently raised a number of arguments in respect of the Court’s decision, which are addressed separately in section IV.

13. In order to solicit further information on the matter, the Secretary-General informed the Kingdom of the Netherlands (the flag State of the *Arctic Sunrise* and the jurisdiction where the headquarters of Greenpeace is located) and Denmark (the flag State of the *MV Coko*) of the events described in the communications from NORI and TOML. In correspondence dated 26 November, 28 November, 30 November and 1 December 2023, the Secretary-General repeatedly invited the Kingdom of the Netherlands to provide information to the Authority as to what steps, if any, it had taken in its capacity as the flag State of the *Arctic Sunrise*. In this correspondence, the Secretary-General referred in particular to articles 87 (2), 94 and 147 (3) of the United Nations Convention on the Law of the Sea. On 15 December 2023, the Kingdom of the Netherlands provided its response, referred to the Court’s decision and emphasized that it had raised the matter with Greenpeace.

14. The Secretariat has not received any additional information on this matter since 15 December 2023, apart from a recent communication from Greenpeace. In their latest communications, NORI and TOML both reiterated the request that the Authority consider their reports and take necessary steps. On 21 February 2024, Greenpeace provided a number of comments on the interim report and the second report.

15. On 15 December 2023, the President and the Vice-Presidents of the Council issued a joint statement on the incidents in the NORI-D contract area, calling upon Greenpeace to refrain from future actions that could disrupt the contractual activities of NORI on board its vessels or in its contract area; and inviting the Council to address the incidents in the NORI-D contract area during part I of the twenty-ninth session of the Authority.⁷

IV. Observations of Greenpeace on the immediate measures, the interim report and the second report

16. In its letter of 21 February 2024, Greenpeace reiterated its position that, from 22 November to 4 December 2023, it had exercised its right to protest at sea. Greenpeace emphasized its past experience and “professionalism” in conducting safe demonstrations and repeatedly underlined that its activities were “safe”. While Greenpeace did not purport to rebut the details of the factual account presented the communications from NORI and TOML to the Authority, Greenpeace strongly contested the suggestion that its conduct had fallen short of applicable safety standards. Greenpeace further maintained that vessels conducting activities in the Area should not be entitled to safety zones, purporting to draw a distinction between such vessels and installations (such as scientific research installations).

17. Greenpeace also criticized the promulgation of immediate measures and further elaborated on the legal arguments that it had briefly raised in its previous letter, dated 28 November 2023. In this regard, it is to be recalled that, despite the call of the Secretary-General for daily updates from NORI and Greenpeace following the promulgation of interim measures, Greenpeace denied any competence of the Secretary-General on the matter and hence did not submit any daily reports.

⁷ <https://www.isa.org/jm/wp-content/uploads/2024/02/Joint-Statement.pdf>.

Accordingly, the fact that Greenpeace now levies criticism for not attaching its correspondence to the interim report or the second report is difficult to understand. The Secretary-General would have transmitted any detailed reports from Greenpeace if Greenpeace had provided such reports, as it was called upon to do in the immediate measures. In the light of the refusal by Greenpeace to provide reports as to what transpired during its supposed “protest”, the Secretary-General was not in a position to append any detailed factual account from Greenpeace to the interim report or the second report, as the only detailed reports had been provided by NORI and TOML.

18. In its communication of 21 February 2024, Greenpeace stated that the exercise of its “right to protest” had been carried out in accordance with applicable laws and had been sanctioned by the decision of the Amsterdam District Court of 30 November 2023 (which has been addressed above). Greenpeace appears to construe the Court’s decision as authority to the effect that the immediate measures lacked legal basis or legal effect. In this respect, the Secretary-General disagrees with the interpretation of the Court’s decision advanced by Greenpeace. The Court’s decision disposed of the matter as between NORI and Greenpeace, upon the application and submission by NORI to the jurisdiction of the Court, but the Authority was not party to the proceedings culminating in the Court’s decision. Consequently, the measures of the Authority could not have formed, and did not form, the subject matter of the proceedings before the Amsterdam District Court. In any event, the courts of Member States do not have jurisdiction to adjudicate on the measures of the Authority or its organs (let alone in circumstances where the Authority or its organs do not even participate in any capacity in the court proceedings), or to sanction conduct that interferes with the rights and interests of the Authority. Consequently, the Amsterdam District Court had no jurisdiction to make any pronouncement as to whether the immediate measures had legal basis or carried legal effects.

19. Greenpeace reiterated that it is not bound by the measures of the Secretary-General, as it is neither a contractor, nor a State party to the Convention. The Secretary-General notes that the regulations on prospecting and exploration for polymetallic nodules in the Area⁸ do not impose any a priori constraint on the categories of immediate measures which the Secretary-General may promulgate, or on the legal effect of such immediate measures. Contrary, therefore, to the suggestions of Greenpeace, the Secretary-General had the authority to promulgate the immediate measures and to address certain provisions of the immediate measures specifically to Greenpeace considering the interference caused to the rights and obligations pertaining to the contract signed between the Authority and NORI.

V. Additional issues arising in relation to the recent incidents

20. In accordance with a request by the President of the Council dated 15 February 2024, the Secretary-General refers the Council to previous incidents that had taken place beyond national jurisdiction when Greenpeace expressed opposition to activities carried out in the Area pursuant to contracts signed by the Authority with different contractors.

21. On 6 April 2021, Greenpeace representatives on board the vessel *Rainbow Warrior* conducted a protest in the Clarion-Clipperton Zone, in the NORI-D contract area. This protest entailed the use of banners expressing objections to activities in the Area. The protest was conducted in the vicinity of the vessel *Maersk Launcher*, operated by NORI. NORI conducted its activities in accordance with the NORI exploration contract.

⁸ [ISBA/19/A/9](#); [ISBA/19/C/17](#).

22. In April 2021, Greenpeace representatives conducted a protest during the testing of mining equipment by the vessel *Normand Energy*, operated by Global Sea Mineral Resources (GSR) in the Clarion-Clipperton Zone. GSR conducted these activities in accordance with its contract with the Authority dated 14 January 2013. On 20 April 2021, Greenpeace representatives approached the *Normand Energy* in order to paint on the side of the vessel, despite warnings from the master of the vessel to refrain from doing so, while the mining equipment was deployed during its testing.

23. In addition to these events in the Area, the Secretariat understands that Greenpeace conducted additional protests to express opposition to activities in the Area, staging such protests even in areas falling under national jurisdiction. These included Greenpeace representatives boarding the vessel *Hidden Gem*, without authorization from the master or the contractor, operated by NORI in the context of its exploration activities in accordance with the NORI exploration contract, on 28 September 2023, in Manzanillo Bay, Mexico.

24. The most recent protests in 2023 (including the incidents that are the subject of the present report) represent a marked escalation in terms of interference with contractors' activities.

VI. Recommendations

25. The Council is invited to take note of the content of the present report.



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Item 7 of the provisional agenda*

**Status of contracts for exploration and related matters,
including information on the periodic review of the
implementation of approved plans of work for exploration**

Status of contracts for exploration and related matters, including information on the periodic review of the implementation of approved plans of work for exploration

Report of the Secretary-General

I. Status of contracts for exploration and related matters

1. Contracts currently pertain to each of the three mineral resources for which the International Seabed Authority has adopted regulations on prospecting and exploration. These are polymetallic nodules, polymetallic sulphides and cobalt-rich ferromanganese crusts.
2. As at 31 January 2024, 30 contracts¹ for exploration were in force, of which 19 were for polymetallic nodules, 7 for polymetallic sulphides and 4 for cobalt-rich ferromanganese crusts. For each mineral resource, a complete list, containing the name of the contractor, the sponsoring State or States, if applicable, the general location of the exploration areas and the dates of entry into force, extension, if applicable, and expiry of each contract, is provided in annex I to the present report.
3. An update regarding the ongoing discussion between the Secretary-General and Companhia de Pesquisa de Recursos Minerais S.A. (CPRM) has been prepared for consideration by the Legal and Technical Commission.

* ISBA/29/C/L.1.

¹ The contract with Companhia de Pesquisa de Recursos Minerais S.A. (CPRM) is excluded.



II. Periodic review of the implementation of approved plans of work for exploration

4. In accordance with the regulations on exploration and the standard clauses of contracts for exploration,² the contractor and the Secretary-General are to undertake jointly a periodic review of the implementation of a plan of work for exploration at intervals of five years. The Secretary-General may request the contractor to submit such additional data and information as may be necessary for the purposes of the review. In the light of the review, the contractor is required to make such adjustments to its plan of work as are necessary and to indicate its programme of activities for the following five-year period, including a revised schedule of expected yearly expenditure. The Secretary-General is to report on the review to the Legal and Technical Commission and the Council and to indicate in his report whether any observations transmitted to him by States parties to the United Nations Convention on the Law of the Sea concerning the manner in which the contractor has discharged its obligations under the regulations relating to the protection and preservation of the marine environment were taken into account in the review.

5. To give effect to those provisions, the Secretary-General consults with the Legal and Technical Commission (in-session or intersessionally depending on the date of submission of the reports) on the content of reports submitted by contractors under the periodic review. These reports serve as a baseline against which to evaluate the progress of exploration work, the submission of data by contractors and the overall consistency of planned activities with the approved plan of work for exploration. Comments and suggestions made by the Commission are then taken into account in discussions between the Secretary-General and the contractors, and adjustments are made to the proposed programme of activities as necessary. The programmes of activities are then incorporated into the contracts as a revised schedule.

6. From February 2023 to February 2024, five periodic review reports were submitted and reviewed, namely, those on the implementation of the plans of work of: (a) China Minmetals Corporation (CMC); (b) China Ocean Mineral Resources Research and Development Association (COMRA); (c) Government of Poland; (d) Government of the Republic of Korea; and (e) Japan Organization for Metals and Energy Security (JOGMEC). The review of (a)–(d) has been completed, while (e) will require the input of members of the Commission and is expected to be completed by the end of March 2024.

7. Annex II to the present report provides a breakdown of the status of periodic reviews, including those due in 2024.

III. Extensions of contracts for exploration

8. Progress on the preparation of the extension agreement for the extension of the contract for exploration for polymetallic nodules between the Authority and JSC Yuzhmorgeologiya has been made,³ and the signing is expected to take place in the margins of the first part of the twenty-ninth session.

² See regulation 28 of the regulations on prospecting and exploration for polymetallic nodules in the Area (ISBA/19/C/17, annex, and ISBA/20/A/9), regulation 30 of the regulations on prospecting and exploration for polymetallic sulphides in the Area (ISBA/16/A/12/Rev.1, annex), regulation 30 of the regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area (ISBA/18/A/11, annex) and standard clause 4.4 of the contracts for exploration.

³ ISBA/28/C/3, para. 15.

IV. Status of relinquishment

9. Contractors are required to relinquish parts of the areas allocated for exploration in accordance with the provisions of regulation 27 of the regulations on prospecting and exploration for polymetallic sulphides in the Area⁴ and regulation 27 of the regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area⁵ in respect of the relinquishment from the original contract area for those resources. The mechanisms for relinquishing the area are guided by recommendations issued by the Legal and Technical Commission,⁶ which are used by the contractors to prepare their relinquishment reports and maps and by the secretariat to evaluate the contractors' reports. The outcomes of the evaluation are then issued by the secretariat as a conference room paper for the Commission and as a working document for the Council, in which both bodies are requested to take note of the secretariat's conclusions.

10. Through its decision [ISBA/27/C/39](#) of 26 July 2022, the Council granted the request by the Institut français de recherche pour l'exploitation de la mer (Ifremer) for the deferral of the schedule of relinquishment of areas under its contract for exploration for polymetallic sulphides by one year. Accordingly, the schedule for the first relinquishment of at least 50 per cent of the original contract area allocated was set for 18 November 2023 and the second relinquishment of at least 75 per cent of the original contract area allocated to it for 18 November 2025.⁷ Consequently, in October 2023, Ifremer submitted to the Secretary-General a report pertaining to the first relinquishment. A separate note by the secretariat on this matter has been prepared for consideration by the Commission.

11. As at 31 January 2024, the Japan Organization for Metals and Energy Security (JOGMEC) has yet to submit to the Secretary-General a report on its second relinquishment for the area allocated to it under the exploration contract for cobalt-rich ferromanganese crusts.

12. Annex III to the present report contains the schedule and status of relinquishment of areas under contracts for exploration.

V. Periodic review report template

13. In 2018, the Legal and Technical Commission created a template to be used by contractors to prepare their periodic reports. The template was created to allow the contractors to provide more analytical and useful information such as conducting gap analyses and indicating how these gaps would be bridged in the next period. It has been regularly circulated by the secretariat to contractors who are preparing their five-year periodic review reports. However, it has been noticed in the past two years that some contractors have reverted to using the annual report format for submitting their five-year reports. The template was not issued as an official document with a symbol.

⁴ [ISBA/16/A/12/Rev.1](#), annex.

⁵ [ISBA/18/A/11](#), annex.

⁶ [ISBA/25/LTC/8](#).

⁷ See [ISBA/27/C/39](#).

VI. Recommendations

14. The Council is invited to take note of the status of contracts for exploration, the information on the periodic review of the implementation of approved plans of work, the status of relinquishment and the progress with extension agreements.

15. The Council is also invited to consider issuing the five-year periodic review report template as an official reporting template for contractors to use in preparing their periodic review reports.

Annex I

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

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

Abbreviation: n/a, not applicable.

^a First 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>Contractor</i>	<i>Date of entry into force</i>	<i>Sponsoring State</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	Ministry of Natural Resources and Environment of the Russian Federation	29 October 2012	n/a	Mid-Atlantic Ridge	28 October 2027
3	Government of the Republic of Korea	24 June 2014	n/a	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

<i>Contractor</i>	<i>Date of entry into force</i>	<i>Sponsoring State</i>	<i>General location of the exploration area</i>	<i>Date of expiry</i>
6 Government of India	26 September 2016	n/a	Indian Ocean Ridge	25 September 2031
7 Government of Poland	12 February 2018	n/a	Mid-Atlantic Ridge	11 February 2033

Abbreviation: n/a, not applicable.

C. Contracts for exploration for cobalt-rich ferromanganese crusts

<i>Contractor</i>	<i>Date of entry into force</i>	<i>Sponsoring State</i>	<i>General location of the exploration area</i>	<i>Date of expiry</i>
1 Japan Organization for Metals and Energy Security	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	n/a	Magellan mountains in the Pacific Ocean	9 March 2030
4 Government of the Republic of Korea	27 March 2018	n/a	East of the Northern Mariana Islands in the Pacific Ocean	26 March 2033

Abbreviation: n/a, not applicable.

Annex II

Status of periodic reviews

A. Periodic reviews either completed or in progress

<i>Contractor</i>	<i>Type of resource</i>	<i>Expiration of five-year period^a</i>	<i>Status</i>
1 China Minmetals Corporation	Polymetallic nodules	11 May 2022	Completed
2 China Ocean Mineral Resources Research and Development Association	Polymetallic sulphides	17 November 2021	Completed
3 Government of the Republic of Korea	Cobalt-rich crusts	26 March 2023	Completed
4 Government of Poland	Polymetallic sulphides	11 February 2023	Completed
5 Japan Organization for Metals and Energy Security	Cobalt-rich crusts	26 January 2024	In progress

B. Periodic reviews due in 2024

<i>Contractor</i>	<i>Type of resource</i>	<i>Expiration of five-year period^a</i>	<i>Status</i>
1 Global Sea Mineral Resources NV	Polymetallic nodules	13 January 2023	Report due by 31 March 2024 ^b
2 China Ocean Mineral Resources Research and Development Association	Cobalt-rich crusts	28 April 2024	Report due by 28 January 2024
3 Government of the Republic of Korea	Polymetallic sulphides	23 June 2024	Report due by 23 March 2024
4 Beijing Pioneer Hi-Tech Development Corporation	Polymetallic nodules	17 October 2024	Report due by 17 July 2024
5 Institut français de recherche pour l'exploitation de la mer	Polymetallic sulphides	17 November 2024	Report due by 17 August 2024
6 Marawa Research and Exploration Ltd.	Polymetallic nodules	18 January 2025	Report due by 18 October 2024
7 Ocean Mineral Singapore Pte. Ltd.	Polymetallic nodules	21 January 2025	Report due by 21 October 2024
8 Ministry of Natural Resources and Environment of the Russian Federation	Cobalt-rich crusts	9 March 2025	Report due by 9 December 2024

^a Not later than 90 days prior to the expiration of each five-year period from the date on which the contract enters into force, the contractor and the Secretary-General shall jointly undertake a review of the implementation of the plan of work for exploration under the contract (sect. 4.4 of the standard clauses for exploration contract (ISBA/19/C/17, annex IV; ISBA/16/A/12/Rev.1, annex 4; and ISBA/18/A/11, annex IV)).

^b ISBA/25/C/9, para. 11.

Annex III

Schedule and status of relinquishments of areas under contracts for exploration

A. Contracts for exploration for polymetallic sulphides

<i>Contractor</i>	<i>First relinquishment (50 per cent of original contract area, year 8)</i>	<i>Second relinquishment (75 per cent of original contract area, year 10)</i>
1 Ministry of Natural Resources and Environment of the Russian Federation	Completed	Completed ^a
2 Government of the Republic of Korea	Completed	Deferred to 31 December 2026 ^b
3 Institut français de recherche pour l'exploitation de la mer	Completed	Deferred to 18 November 2025 ^c
4 Federal Institute for Geosciences and Natural Resources	Deferred to 6 May 2024 ^d	Deferred to 6 May 2026 ^d
5 Government of India	25 September 2024	25 September 2026
6 Government of Poland	11 February 2026	11 February 2028

^a See [ISBA/28/C/7](#).

^b See draft decision of the Council, [ISBA/28/C/4](#), annex.

^c Council decision [ISBA/27/C/39](#).

^d See [ISBA/27/C/19](#).

B. Contracts for exploration for cobalt-rich ferromanganese crusts

<i>Contractor</i>	<i>First relinquishment (50 per cent of original contract area, year 8)</i>	<i>Second relinquishment (75 per cent of original contract area, year 10)</i>
1 Japan Organization for Metals and Energy Security	Completed	27 January 2024 ^a
2 China Ocean Mineral Resources Research and Development Association	Completed	28 April 2024
3 Ministry of Natural Resources and Environment of the Russian Federation	Completed ^b	9 March 2025
4 Government of the Republic of Korea	26 March 2026	26 March 2028

^a The second relinquishment report was submitted on 26 January 2024. However, JOGMEC notified the secretariat on 29 February that, owing to a slight error in the data associated with the cells to be relinquished, it would resubmit the data on the cells to be relinquished.

^b Council decision [ISBA/28/C/19](#).



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**Report of the Secretary-General on cooperation with the OSPAR
Commission for the Protection of the Marine Environment of the
North-East Atlantic**

Status of consultations between the International Seabed Authority and the OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic

Report of the Secretary-General

I. Introduction

1. At its twenty-eighth session, the Assembly of the International Seabed Authority requested the Secretary-General to prepare a report for the consideration of the Council at its twenty-ninth session concerning the implications of a decision adopted by the OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic, resulting in the extension of the scope of the North Atlantic current and Evlanov Sea basin marine protected area, on the exclusive mandate of the Authority over the Area. The Assembly requested the Secretary-General to include in the report details of the communication that had taken place between the secretariat of the Authority and the OSPAR Commission regarding the decision, an assessment of the potential impact of the decision on the Authority's mandate and recommendations on how to prevent interference with the Authority's mandate while enhancing cooperation and consultation with relevant organizations.¹

2. In response to the request, the present report provides an overview of the decision adopted by the OSPAR Commission as well as a summary of the communications that took place between the Commission and the secretariat of the Authority regarding the decision and related matters. The report also provides an assessment of the impact of the decision adopted by the Commission on the Authority's mandate. Some recommendations are provided for consideration by the Council.

* ISBA/29/C/L.1.

¹ ISBA/28/A/18, para. 24.



II. Competence of the OSPAR Commission

3. The OSPAR Commission was established by the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention) of 1992 and is the mechanism by which 15 Governments² and the European Union cooperate to protect the marine environment of the North-East Atlantic.³ The competence of the Commission is to draw up, in accordance with the general obligations set out in article 2 of the Convention, programmes and measures for the prevention and elimination of pollution and for the control of human activities that may, directly or indirectly, adversely affect the maritime area in the North-East Atlantic, with the explicit exception of fisheries management and with certain other limitations for the regulation of shipping.

4. The Council will recall that the Authority entered into a memorandum of understanding with the OSPAR Commission in 2010.⁴ The main objective of the memorandum was to specify the scope of cooperation between the Commission and the Authority. According to the memorandum, in areas where OSPAR maritime area and the Area overlap, both the Commission and the Authority have complementary competence, which must be exercised in accordance with the principles governing the Area, as stipulated in section 2 of Part XI of the United Nations Convention on the Law of the Sea. The memorandum is intended to serve as a framework for the parties for consultation on matters of mutual interest with a view to promoting or enhancing a better understanding and coordination of their respective activities in respect of such matters, including through the collection and exchange of environmental data in the sea areas of the North-East Atlantic located beyond national jurisdiction. The two organizations also granted each other observer status.⁵

5. The impetus behind the decision to enter into a memorandum of understanding came from a proposal by the OSPAR Commission in 2008 to establish a marine protected area at the Charlie Gibbs Fracture Zone on the Mid-Atlantic Ridge, within the OSPAR maritime area but beyond the limits of national jurisdiction. As a result of a subsequent meeting between the Commission, the secretariat of the Authority and the secretariat of the North-East Atlantic Fisheries Commission, it was agreed that, given the overlapping mandates and jurisdictions of the organizations concerned and in particular the exclusive nature of the Authority's mandate with respect to the seabed beyond the limits of national jurisdiction of the OSPAR maritime area, a dialogue should be established to ensure that marine protected areas are established with due regard to the rights and duties of States as set out in the United Nations Convention on the Law of the Sea 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 (1994 Agreement), as well as with full respect for the jurisdiction of the Authority to organize and control activities in the Area.

6. The secretariat of the Authority has also participated as an observer in meetings of the collective arrangement between competent international organizations on cooperation and coordination regarding selected areas in areas beyond national jurisdiction in the North-East Atlantic,⁶ formed between the OSPAR Commission and

² Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, Netherlands (Kingdom of the), Norway, Portugal, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland.

³ The OSPAR maritime area is defined in article 1 (a) of the OSPAR Convention. It covers a geographically defined maritime area both within and beyond national jurisdiction broadly extending from the North Pole to the Azores and from the Mid-Atlantic Ridge to the North Sea.

⁴ ISBA/16/A/INF/2, annex.

⁵ Ibid., para. 4. See also ISBA/16/A/13, para. 6.

⁶ ISBA/20/C/15, enclosure II. See also www.ospar.org/documents?v=33030.

the North-East Atlantic Fisheries Commission as a platform to facilitate discussion and information exchange, in particular in relation to the protection of areas beyond national jurisdiction in the North-East Atlantic. Under this non-legally binding arrangement, participants agree to communicate information about areas in which they have adopted area-based management measures, and they agree to seek to coordinate their activity to ensure that suitable measures for the conservation and management of those areas are implemented, informed, where appropriate, by conservation objectives established for the areas. While both the International Maritime Organization and the Authority have attended meetings of the collective arrangement, both have refrained from becoming full participants in it, owing in part to concerns by some members about the role of regional seas organizations in the management of areas beyond national jurisdiction.⁷ There have been recent discussions within the framework of the collective arrangement as to whether the arrangement may be opened up to other international organizations (or what other institutional forms further collaboration between the collective arrangement and other international organizations, including the Authority, may take). The secretariat is participating in these discussions.

III. Decision by the OSPAR Commission with respect to the North Atlantic current and Evlanov Sea basin marine protected area

7. The North Atlantic current and Evlanov Sea basin marine protected area was established by a decision of the OSPAR Commission in 2021,⁸ with the goal of protecting and conserving seabirds and the ecosystems of the waters superjacent to the seabed in a marine area beyond national jurisdiction covering 595,196 km² within the OSPAR maritime area. A road map for further development of the North Atlantic current and Evlanov Sea basin marine protected area was adopted during the same year.⁹ On 1 December 2022, in conformity with the road map, the Commission opened a public consultation process to review whether there was evidence to support extending the scope of the marine protected area to the seabed, ocean floor and subsoil thereof and additional species and habitats.

8. Subsequently, at its meeting in Oslo from 26 to 30 June 2023, the OSPAR Commission decided to amend the North Atlantic current and Evlanov Sea basin marine protected area by including in its scope additional OSPAR listed features (species and habitats) and the seabed, ocean floor and subsoil thereof.¹⁰ The decision entered into force on 16 January 2024, becoming binding between OSPAR contracting parties. In more detail, the amendments added, as one of the purposes of establishing the marine protected area, the goal of protecting, conserving, maintaining and restoring the integrity of ecosystems of the seabed, ocean floor and subsoil thereof, and the superjacent waters of the site, and incorporated into the North Atlantic current and Evlanov Sea basin marine protected area 546,511 km² of the Area, defined in terms of article 1 of the United Nations Convention on the Law of the Sea.

⁷ See in particular International Maritime Organization document A 29/19(c). See also [ISBA/28/A/18](#), para. 24.

⁸ Decision 2021/01. Available at www.ospar.org/documents?v=46308.

⁹ Agreement 2021-08. Available at www.ospar.org/documents?v=46310.

¹⁰ Decision 2023/01. Available at www.ospar.org/documents?v=52056.

A. Communications between the OSPAR Commission and the secretariat of the Authority concerning the North Atlantic current and Evlanov Sea basin marine protected area

9. In the absence of a specific notification procedure for consultation between the OSPAR Commission and members of the Authority on matters affecting the Area, the Secretary-General of the Authority provided comments on the proposal to extend the North Atlantic current and Evlanov Sea basin marine protected area on 9 June 2023 as part of the public consultation process. In his comments, he recalled the mandate assigned to the Authority in relation to the protection of the marine environment of the Area, including the requirement for the Authority to adopt appropriate rules, regulations and procedures pursuant to article 145 of the United Nations Convention on the Law of the Sea and section 1 (5) (g) of the 1994 Agreement. He also highlighted that, pursuant to article 165 of the Convention, the Legal and Technical Commission was responsible for making recommendations to the Council on the protection of the marine environment with respect to relevant rules, regulations and procedures, as well as a monitoring programme on the risks to and impacts on the marine environment resulting from activities in the Area and, ultimately, for keeping under review the rules, regulations and procedures relating to activities in the Area.

10. The Secretary-General recalled that, in November 2022, the Legal and Technical Commission had presented to the Council a draft regional environmental management plan for the Area of the northern Mid-Atlantic Ridge, with a focus on polymetallic sulphide deposits.¹¹ The draft regional environmental management plan had been developed through an extensive scientific process involving three expert workshops between 2018 and 2020 and a formal stakeholder consultation from April to June 2022. The OSPAR Commission was invited to take part in the workshops and the stakeholder consultation, but did not attend.¹²

11. The Secretary-General informed the OSPAR Commission that, while the draft regional environmental management plan for the Area of the northern Mid-Atlantic Ridge did not cover the Area under the North Atlantic current and Evlanov Sea basin marine protected area, it did set out the goals and objectives for regional environmental management, including encouraging cooperation among stakeholders such as competent international and regional organizations within their mandates, and that it identified, among other measures, various area-based management tools for the maintenance of regional biodiversity and ecosystem structure and function.

12. In the light of the above considerations, the Secretary-General urged the OSPAR Commission to ensure consistency between the mandates and competencies that the United Nations Convention on the Law of the Sea, the 1994 Agreement and the OSPAR Convention recognize for the Authority and the Commission. To achieve that goal, it was suggested that the Commission align its discussions on the possible extension of the North Atlantic current and Evlanov Sea basin marine protected area with the work being done in relation to the regional environmental management plan for the Area of the northern Mid-Atlantic Ridge, which is a global process initiated under the United Nations Convention on the Law of the Sea and under the auspices of the Council, with the expert input of the Legal and Technical Commission. This would ensure that discussions are based on available scientific data and information with a view to establishing a coherent and ecologically connected network of area-

¹¹ [ISBA/27/C/38](#).

¹² Invitations had been sent to the OSPAR Commission on 10 March 2022, 14 March 2023 and 9 June 2023.

based management tools, including marine protected areas in the North Atlantic, that are effectively managed and monitored.

13. At the meeting of the OSPAR Commission in June 2023, several contracting parties welcomed the valuable and interesting information contained in the letter from the Authority and emphasized the importance of maintaining a good working relationship between the Commission and the Authority. Several contracting parties proposed that engagement and collaboration with the Authority and other competent authorities should be strengthened for future designations of marine protected areas in areas beyond national jurisdiction and in future discussions on regional environmental management plans. Nevertheless, owing to the alleged late submission of the information from the Authority, the Commission decided not to include the information in the final version of the revised nomination pro forma for the North Atlantic current and Evlanov Sea basin marine protected area, but instead to include it in the overview of responses received.

14. By letter of 29 September 2023, the Secretary-General informed the Executive Secretary of the OSPAR Commission of the discussion that had taken place at the twenty-eighth session of the Assembly in July 2023 with respect to the relationship between the Authority and the Commission. He proposed that in future the Commission could consider a review of the process by which it consults competent intergovernmental organizations on matters engaging their competencies, including in relation to the establishment of area-based management tools, while confirming the disposition of the secretariat to further discuss these and other matters of common interest. This seems of particular importance when a decision by the Commission overlaps with the exclusive mandate assigned to the Authority by the United Nations Convention on the Law of the Sea and the 1994 Agreement, as well as the rights and obligations of members of the Authority and entities with which contracts have been signed by the Authority.

B. Communications between the OSPAR Commission and the secretariat of the Authority regarding the report of the OSPAR Group of Jurists and Linguists on the competence of the Commission with regard to deep seabed mining activities within the OSPAR maritime area

15. On 24 January 2023, the Executive Secretary of the OSPAR Commission invited the secretariat of the Authority to provide comments on legal advice presented by the OSPAR Group of Jurists and Linguists pertaining to the Commission's jurisdiction over deep seabed mining activities within the OSPAR maritime area. The Group was requested to provide legal advice by the OSPAR Environmental Impacts of Human Activities Committee on questions relating to the interpretation and application of the OSPAR Convention to deep seabed mining.¹³

16. On 14 March 2023, the secretariat of the Authority submitted its observations. The secretariat recalled the universal and unified character of the United Nations Convention on the Law of the Sea as the overarching legal framework for all activities carried out in the oceans, including the Area. The secretariat also noted that parties to the OSPAR Convention, as members of the Authority, should adhere to the rules, regulations and procedures adopted by the Authority and applicable to the Area within

¹³ Neither the relevant proceedings of the Environmental Impacts of Human Activities Committee nor the advice of the Group of Jurists and Linguists are publicly available on the OSPAR website. For the information of members of the Authority, the letter of the Executive Secretary of 24 January 2023 and the secretariat's response of 14 March 2023 will be uploaded to the Authority's website in conjunction with the present report.

the OSPAR maritime area, to ensure consistency with the regime set out by the United Nations Convention on the Law of the Sea and the 1994 Agreement. More specifically, the secretariat noted that:

(a) The United Nations Convention on the Law of the Sea and the 1994 Agreement confer on the Authority exclusive competence in organizing and controlling activities in the Area, including the competence to adopt measures for the protection of the marine environment from the possible harmful impacts associated with activities in the Area;

(b) Although some States could collectively adopt more stringent environmental protection measures than those adopted by the Authority within a regional cooperation framework such as OSPAR Convention, this does not confer on such States or regional organizations any competence to regulate activities in the Area;

(c) The disposal of waste arising from deep seabed mining activities falls within the definition of “dumping” as set out in article 1 of the OSPAR Convention and therefore falls within the scope of article 4 of and annex II to the Convention;

(d) Measures already adopted under annex V to the OSPAR Convention (to protect the maritime area against the adverse effects of human activities) are, in general, applicable to deep seabed mining, depending on their contents;

(e) Deep seabed mining is not one of the sources of pollution falling within the scope of articles 3, 4 and 5 of the OSPAR Convention, and therefore OSPAR contracting parties would need to adopt an annex under article 7 if they wished to address deep seabed mining as a source of pollution.

17. The secretariat stressed that the granting of contracts for exploration and exploitation lies at the core of the legal regime applicable to the Area and its resources. Any measures taken by the OSPAR Commission in relation to activities in the Area carried out under such contracts, whether involving an OSPAR member or not, would conflict with the regime established by the United Nations Convention on the Law of the Sea and the 1994 Agreement and the competence recognized by the OSPAR Convention.

18. In response, the OSPAR Group of Jurists and Linguists stressed that, notwithstanding the various points of agreement between the secretariat and the Group, as well as some disagreement on legal interpretations, the recommendation for the heads of delegations of OSPAR was to open up informal discussion between the secretariats of the OSPAR Commission and the Authority as to how the two organizations could work together on more practical aspects such as the designation and management of marine protected areas.¹⁴

IV. Preliminary assessment of the potential impact of the decision to extend the scope of the North Atlantic current and Evlanov Sea basin marine protected area to the Area on the mandate of the Authority

19. Currently, no activities in the Area are taking place in the North Atlantic current and Evlanov Sea basin marine protected area. Furthermore, the probability of the existence of economic deposits of polymetallic sulphides and polymetallic nodules is considered minor owing to intense sedimentation processes taking place in that area.¹⁵

¹⁴ OSPAR heads of delegation (1) 23/2/1 Rev.1 (L), para. 8.2.

¹⁵ See the Authority’s technical study No. 30. Available at www.isa.org/jm/wp-content/uploads/2022/05/ISA_Technical_Study-30.pdf.

However, it cannot be ruled out that the Authority might in future receive notifications of prospecting or applications for approval of plans of work for exploration covering this part of the Area.

20. It is acknowledged, including in the context of the OSPAR heads of delegation meetings,¹⁶ that the Authority is the only competent organization to regulate activities in the Area, including by adopting appropriate rules, regulations and procedures to ensure effective protection of the marine environment from harmful effects that might arise from activities in the Area.

21. The decision by the OSPAR Commission to extend its measures to the Area would appear to be in conflict with the competence of the Authority insofar as it has an impact on the rights and duties of those members of the Authority that are not parties to the OSPAR Convention. OSPAR decisions¹⁷ and the measures or programmes adopted thereunder are binding only upon the 16 OSPAR members and applicable only to the OSPAR maritime area.

22. The regulatory competencies with respect to the protection of the marine environment in the Area assigned to the Authority, whose decisions are applicable to all its members, including those members of the Authority that are also OSPAR members, cannot be overridden.

23. In this respect, it is recalled that members of the Authority have a duty of cooperation towards the Authority, which requires them, among other things, to ensure that there is no duplication with the work and mandate of the Authority and no interference through the work undertaken through regional organizations.

24. In conclusion, measures implemented on the basis of decisions taken by the OSPAR Commission with respect to matters falling under the competence of the Authority pursuant to the United Nations Convention on the Law of the Sea and the 1994 Agreement: (a) do not properly reflect and respect the competence of the Authority over the Area; (b) are potentially in conflict with other actions taken by the Authority pursuant to its mandate; (c) risk undermining the Authority's competence by applying different standards and scientific criteria to those adopted globally for the Area; and (d) risk being ineffective because they do not bind non-parties to the OSPAR Convention.

V. Recommendations on how to prevent interference with the Authority's mandate while enhancing cooperation and consultation with relevant organizations

25. It is paramount to ensure consistency between the respective mandates and competencies recognized for the Authority and the OSPAR Commission by the existing legal framework. In this context, the Commission has been invited to attend the Authority's workshops and to participate in stakeholder consultations concerning the development of the regional environmental management plan for the Area of the northern Mid-Atlantic Ridge. The Authority has also proposed a possible extension of the geographical scope of the regional environmental management plan to ensure alignment between global and regional processes.

26. On 17 November 2023, a bilateral meeting took place between the secretariats of the Authority and the OSPAR Commission. It was agreed to hold more regular meetings to provide briefings to each other on matters of relevance and to share

¹⁶ See ISBA/15/A/2, para. 21.

¹⁷ While decisions adopted by OSPAR contracting parties are legally binding, recommendations do not have binding force, according to article 13 of the OSPAR Convention.

updates. The secretariat of the Authority will also participate, when appropriate, in the relevant work of the Commission, such as the Ad Hoc Working Group on Amendments to the OSPAR Convention, the collective arrangement and meetings of the Commission.

27. The Council is invited to take note of the present report and to provide such guidance to the secretariat as may be necessary to facilitate enhanced cooperation and consultation between the Authority and the OSPAR Commission.



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**Report of the Chair of the Legal and Technical Commission
on the work of the Commission at its twenty-ninth session**

Report of the Chair of the Legal and Technical Commission on the work of the Commission at the first part of its twenty-ninth session

I. Introduction

1. The first part of the twenty-ninth session of the Legal and Technical Commission (the Commission) of the International Seabed Authority was held from 4 to 15 March 2024. A total of 31 members participated in the meetings. Following the established practice of the Commission, María Gómez Ballesteros participated in the meetings in her capacity as a candidate nominated by the Government of Spain for the election to fill a vacancy on the Commission.¹

2. On 4 March, following the opening of the meetings, the Commission re-elected Erasmo Lara Cabrera as its Chair and Sissel Eriksen as its Vice-Chair. The Commission reviewed and took note of all intersessional activities from the period between July 2023 and February 2024 that were directly related to the Commission's work.

II. Activities of the contractors

A. Report on the status of the contracts for exploration and periodic reviews of the implementation of plans of work for exploration

3. On 4 March, the Commission took note of the report of the Secretary-General on the status of contracts for exploration and related matters, including information on the periodic review of the implementation of approved plans of work for exploration. The Commission welcomed the report and agreed to update the draft

* ISBA/29/C/L.1.

¹ ISBA/29/C/3.



report template developed by the Commission in 2018 and issue it as an official document to assist contractors in submitting their five-year periodic review reports.²

4. The Commission took note of a report by the Secretary-General on the status of completion of the obligations derived from the contract for exploration for cobalt-rich ferromanganese crusts that had been renounced in 2021.

B. Implementation of training programmes under plans of work for exploration and the allocation of training opportunities

5. On 4 March, the Commission was briefed on the status of the implementation of training programmes since its most recent meeting in July 2023. The report included information on the selection of candidates for those programmes undertaken during the intersessional period. The Commission noted that, on the basis of the recommendations of the training subgroup, it had selected 78 candidates for 17 training programmes offered by 12 contractors pursuant to the terms of their contracts for exploration with the Authority, namely Blue Minerals Jamaica Ltd., Cook Islands Investment Corporation, China Minmetals Corporation, China Ocean Mineral Resources Research and Development Association, Federal Institute for Geosciences and Natural Resources, the Government of the Republic of Korea, the Government of the Russian Federation, Institut français de recherche pour l'exploitation de la mer, JSC Yuzhmoregeologiya, Marawa Research and Exploration Ltd., Ocean Mineral Singapore Pte. Ltd. and Loke CCZ (formerly UK Seabed Resources Ltd.). A breakdown of the selection of candidates by training programme under plans of work for exploration between July 2023 and 12 March 2024 is reported in [ISBA/29/LTC/4](#).

6. The Commission took note of training opportunities that had been affected by the coronavirus disease (COVID-19) pandemic and of projections for future training opportunities. It noted the official launch, on 5 February 2024, of the International Seabed Authority Capacity Development Alumni Network, comprising past beneficiaries of capacity development initiatives implemented by the Authority, including former trainees of the contractor training programme. It is envisaged that through the Network the Authority will be better able to monitor and assess the medium- and long-term impacts of training provided under the contractor training programme and better tailor the types of training provided with a view to ensuring greater impact and suitability to the needs of applicants and interested States.

7. The Commission took note that since July 2023, the number of contractors that had pledged to allocate at least 50 per cent of their training placements to qualified women candidates as part of the Women in Deep Sea-Research project had increased from 10 to 20. It further took note that 44 per cent of all pledged training placements for the period ending 15 February 2024 were allocated to women.

8. On 12 March, the Commission, on the basis of the recommendations of the training subgroup, selected 21 candidates for programmes offered by four contractors, namely, Cook Islands Investment Corporation, China Ocean Mineral Resources Research and Development Association, Institut français de recherche pour l'exploitation de la mer and the Government of the Republic of Korea. Out of the 21 candidates selected, 9 were women.³ It was noted that the Commission had selected a total of 99 candidates from 383 shortlisted applicants since July 2023. The Commission welcomed the continued trend in the pace with which contractors were stepping up their training offers in line with their plans of work.

² [ISBA/29/C/5](#).

³ [ISBA/29/LTC/4](#).

Recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration

9. On 8 March, the Commission reviewed the recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration.⁴ In revising the recommendations, the Commission considered feedback from the secretariat and from contractors on issues relating to the content of the training programmes; the selection process; the implementation of training programmes; and the importance of reporting, monitoring and evaluating the impact of training programmes over time.

10. The revised recommendations add clarification as to the conceptualization, design, development and implementation of the programmes on the basis of equivalence and practical training. They are aimed at providing balance in the training offerings of contractors with a view to ensuring that the training opportunities provide relevant, valuable and effective skills, knowledge and technology to developing states, as mandated under the Convention.⁵

C. Consideration of the annual reports of contractors

Criteria for identifying contractors that have responded insufficiently or incompletely or have failed to respond to issues identified by the Commission

11. The Commission recalled that during the third part of the twenty-eighth session, the Council had reiterated its request to the Commission to name contractors that had responded insufficiently or incompletely, or failed to respond, to the calls from the Council to address issues of concern identified by the Commission in relation to the fulfilment of their contractual obligations.⁶ The Commission considered a report prepared by the secretariat on various aspects to be taken into consideration in addressing the Council's request, including the potential legal implications of naming contractors.

12. On 12 March, following the Council's request, the Commission adopted criteria for identifying contractors at risk of non-compliance (see [ISBA/29/LTC/5](#)).

Modalities for facilitating an exchange of views between contractors and members of the Legal and Technical Commission

13. The Commission adopted a decision on modalities for facilitating an exchange of views with contractors, as contained in [ISBA/29/LTC/6](#). The Commission noted that any such exchange of views would be at the behest of the Commission on a case-by-case basis and would remain informal. The Commission will report on the exchange of views in the reports of the Chair.

Overview of the strategies of contractors with contracts expiring within five years to transition to exploitation

14. The Commission recalled that, during the second part of the twenty-eighth session, it had requested contractors whose contracts were coming to an end in the next five years to provide information on their strategies to prepare for the exploitation stage.⁷ The secretariat informed the Commission that all 13 contractors had provided the requested information.

⁴ [ISBA/19/LTC/14](#).

⁵ [ISBA/19/LTC/4/Rev.1](#).

⁶ See [ISBA/28/C/27](#), para. 5.

⁷ [ISBA/28/C/5/Add.1](#), para. 23.

15. The Commission noted that most contractors had elaborated on their exploratory and environmental efforts and on technological advancements. Many, however, had not provided specific details with respect to projected milestones, timelines or projected investments. It was noted that some contractors had drawn attention to the uncertainty surrounding regulatory requirements and the need to complete the regulations on exploitation before deciding whether to proceed to the next stage of their work. Considering the fact that several contractors invited to provide their strategies were currently in their second extension agreements, the Commission took note that more specific details and planning on the conditions for transition to the exploitation phase would be useful to allow the Secretary-General and the Commission to monitor contractors' performance against regulatory expectations. The Commission will keep the matter on its agenda.

D. Relinquishment of areas under contracts for exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts

16. On 4 March, the Commission took note of the relinquishment by Institut français de recherche pour l'exploitation de la mer of 50 per cent of the exploration area allocated to it under its contract for polymetallic sulphides.⁸

17. The Commission noted that contractors had been complying with the requirements contained in the regulations on exploration⁹ and the recommendations on relinquishment.¹⁰ It discussed the potential of relinquishment for environmental conservation and invited contractors to consider the ecological characteristics of an area when identifying cells for relinquishment, while noting that this could only be on a voluntary basis.

III. Applications for approval of plans of work for exploration

Consideration of applications for approval of plans of work for exploration

18. On 18 January, the Secretary-General received applications for approval of the plans of work for exploration for polymetallic sulphides¹¹ and for cobalt-rich ferromanganese crusts,¹² respectively, submitted by the Earth System Science Organization-Ministry of Earth Sciences of the Government of India.

19. The applications were presented to the Commission by the applicant on 5 March. Subsequently, the Commission considered the application for exploration for polymetallic sulphides and sent the applicant a list of comments and questions in writing. With regard to the application for exploration for cobalt rich ferromanganese crust, the Commission noted that the area of the application lied entirely within an area submitted to the Commission on the Limits of the Continental Shelf by another State. The Commission sought comment in writing from the applicant on the matter.

20. On 12 March, the applicant informed the Commission that the responses would be provided after the close of the Commission's meeting. Accordingly, the

⁸ [ISBA/29/C/8](#).

⁹ See regulation 27 of the regulations on prospecting and exploration for polymetallic sulphides in the Area ([ISBA/16/A/12/Rev.1](#), annex) and regulation 27 of the regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area ([ISBA/18/A/11](#), annex).

¹⁰ [ISBA/25/LTC/8](#).

¹¹ [ISBA/29/LTC/2](#).

¹² [ISBA/29/LTC/3](#).

Commission was not able to complete the evaluation of the applications during the first part of the twenty-ninth session.

IV. Regulatory activities of the Authority

A. Development of rules concerning the application of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, annex, section 6, paragraph 1 (d), in the draft regulations on exploitation of mineral resources in the Area

21. On 11 and 12 March, pursuant to a request made by the Council at the twenty-seventh session,¹³ the Commission reviewed a letter submitted by the delegation of Belgium on the rules concerning the application of annex section 6, paragraph 1 (d) of the Agreement with regard to certification of origin for minerals derived from the Area.¹⁴ The Commission noted that the matter had not been considered during the preparation of the draft regulations on exploitation in 2018.¹⁵

22. The Commission considered the alternatives identified in [ISBA/27/C/13](#) and considered that in addition to contractors sponsored by States, the Enterprise would require certification. It noted that the competence to regulate and approve the certification of origin for minerals removed from the Area should rest with the Authority, consistent with its competence to control activities in the Area pursuant to article 153(1) of the Convention.

23. The Commission noted that the inclusion of this important element in the draft regulations on exploitation would ensure an adequate regulatory regime for certification of origin, thus averting discrimination between minerals derived from the Area and minerals from other locations.

24. On that basis, a draft regulation (see annex) is proposed for the consideration by Council for inclusion in the draft regulations on exploitation currently under review by the Council, which would be further elaborated in the standards and guidelines.

B. Development of environmental threshold values

25. On 7 March, the Commission took note of the progress that had been made with respect to the development of environmental threshold values. It noted that following the adoption of the terms of reference, the secretariat had issued a call for nominations, open from 17 July to 15 September 2023, for member States and other stakeholders to nominate experts for the intersessional expert group. In line with the terms of reference, 10 experts were selected for each subgroup, and an extended list of nominees for ad hoc consultations was prepared.

26. The Commission welcomed the two series of meetings of the subgroups of the intersessional expert group that were held in December 2023 and February 2024, respectively. The meetings were focused on scoping available data and information

¹³ [ISBA/27/C/21/Add.1](#), see para. 14.

¹⁴ [ISBA/27/C/13](#), annex. Section 6, para. 1(d) reads as follows: there shall be no discrimination between minerals derived from the Area and from other sources. There shall be no preferential access to markets for such minerals or for imports of commodities produced from such minerals, in particular: (a) By the use of tariff or non-tariff barriers; and (b) Given by States Parties to such minerals or commodities produced by their state enterprises or by natural or juridical persons which possess their nationality or are controlled by them or their nationals.

¹⁵ [ISBA/25/C/WP.1](#).

sources for the development of threshold values and on providing comments and suggestions on a draft outline of the intersessional expert group report and workplan.

27. Noting the need to align progress across the three subgroups and effectively enable discussions on possible interactions between the environmental pressures that may result from mining, the possibility of having an in-person meeting was discussed, contingent on the availability of budget resources.

C. Regional environmental management plans

Development of a standardized procedure for the development, establishment and review of regional environmental management plans

28. The Commission advanced work on the development of a standardized procedure for the development, establishment and review of regional environmental management plans through intersessional meetings in September and November 2023. During the session, it revised and completed, on a provisional basis, the standardized procedure and a template with minimum requirements, which includes sections on environmental goals and objectives, a description of regional characteristics, management measures, regional monitoring and the review process. The Commission noted that some aspects of the standardized procedure would need to be updated in order to align them with the regulations for exploitation of mineral resources in the Area when adopted.

29. The Commission also decided at the technical level to support the practical implementation of the standardized procedure and template by developing a guidance document for regional environmental management plans. The guidance document will be aligned with the standardized procedure and will contain practical and technical details, including the recommended scientific data and information, methodologies and approaches that should underpin the development, establishment and review of regional environmental management plans. The Commission will work intersessionally with a view to presenting the standardized procedure, template and guidance document, as referenced, to the Council during the second part of the twenty-ninth session.

International expert workshop on the development of regional environmental management plans

30. The Commission took note of the key outcomes of an international expert workshop on the development of the regional environmental management plan for the Area of the Northwest Pacific Ocean, held in Tokyo from 19 to 23 February 2024.

V. Data management

Review of the workplan of the strategic road map for data management of the Authority for the period 2023–2028

31. On 7 March, the Commission took note and endorsed the direction and main actions of the workplan for the Authority’s strategic road map for the period 2023–2028 to leverage data for the implementation of the Authority’s action plan for marine scientific research, as presented by the secretariat. It noted that the strategic road map would be updated annually.¹⁶ Progress on the workplan will be presented by the secretariat to the Commission for its consideration.

¹⁶ International Seabed Authority, “Data management strategy workplan”, available at www.isa.org.jm/wp-content/uploads/2024/03/data-management-strategic-roadmap-of-the-Authority-for-the-period-2023-2028.pdf.

32. The Commission also noted with appreciation the intersessional work undertaken to complete the revisions to the DeepData user manual for the secretariat data manager persona and the DeepData reporting template guidance for the submission of digital data by contractors.

Annex

Draft regulation [X]

Certification of origin

1. The Authority, upon the receipt of an application from the Enterprise or the Contractor, shall certify the origin for the Minerals removed from the Area, in accordance with the applicable Standard.
 2. Any certification of the origin of Minerals in accordance with the applicable Standard shall be automatically accepted by member States of the Authority.
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Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its twenty-ninth session

Addendum

I. Introduction

1. The second part of the twenty-ninth session of the Legal and Technical Commission of the International Seabed Authority was held from 1 to 12 July 2024. A total of 32 members participated in the meetings. Some members could not attend owing to budgetary or health reasons. Malcolm Clark, Se-Jong Ju and Haryo Nugroho contributed to agenda items remotely and by email. As a result of the impacts of Hurricane Beryl in Jamaica, which disrupted and delayed the planned work schedule, the Commission held meetings remotely from 3 to 5 July 2024.

II. Activities of the contractors

A. Report on the status of the contracts for exploration and periodic reviews of the implementation of plans of work for exploration

2. The Commission took note of the status of contracts for exploration as at 31 May 2024, which had not changed much since March.¹ It noted that three contractors had submitted their five-year periodic reports in the first half of 2024, which were currently under review.²

¹ See ISBA/29/C/5.

² China Ocean Mineral Resources Research and Development Association; Government of the Republic of Korea; and Global Sea Mineral Resources NV. Periodic review reports are expected from the following contractors in 2024: Institut français de recherche pour l'exploitation de la mer; Marawa Research and Exploration Ltd.; Ocean Mineral Singapore Pte. Ltd.; Beijing Pioneer Hi-Tech Development Corporation; and Ministry of Natural Resources and Environment of the Russian Federation.



3. Pursuant to paragraph 15 of [ISBA/29/C/5](#), the Commission had developed a five-year periodic review reporting template aimed at ensuring that contractors provided analytical information in a concise manner during the periodic reporting process, such as information related to gap analyses and how such gaps would be bridged in the following reporting cycle.³

Prospecting report

4. On 1 and 9 to 11 July, the Commission considered a prospecting survey report from Argeo Survey AS (Argeo). It noted that, on 28 February 2023, the Secretary-General received notification of the intention from Argeo to conduct a prospecting survey in the northern part of the Mid-Atlantic Ridge pursuant to regulation 4 of the regulations on prospecting and exploration for polymetallic sulphides in the Area.⁴

5. The prospecting activities took place between April and May 2023 and, on 7 December 2023, Argeo submitted a report to the Secretary-General with a preliminary analysis of the data collected.

6. The Commission took note of the key results obtained, including actions undertaken by the prospector to operate in compliance with the United Nations Convention on the Law of the Sea, as well as the rules, regulations and procedures of the Authority, including in relation to the protection and preservation of the marine environment. After consideration of the report and additional responses by the prospector, the Commission noted that the prospector had complied with the regulations on prospecting and exploration for polymetallic sulphides in the Area and that it would submit an annual report in 2024, which would be considered by the Commission at its next session.

B. Implementation of training programmes under plans of work for exploration and allocation of training opportunities

7. On 1 July, the Commission heard a briefing on the status of the contractors' training programmes since part I of its session, held in March 2024. It noted that, since March, a total of 40 training placements had been successfully implemented by 10 contractors pursuant to 12 contracts for exploration. Furthermore, 20 out of 25 training placements offered pursuant to six contracts for exploration had been selected by the Commission for the benefit of candidates from developing member States. The remaining five placements had been recommended for re-advertisement owing to the limited number of applications received. The Commission acknowledged that, in line with the Women in Deep-Sea Research pledge, progress had been made to ensure greater gender balance through the selection of qualified female candidates for 50 per cent of training placements, where possible, and welcomed continued efforts in that regard.

8. On 11 July, the Commission, on the basis of the recommendations of the training subgroup, selected two candidates and alternates for at-sea and post-cruise training offered by the Federal Institute for Geosciences and Natural Resources of Germany pursuant to its exploration contract for polymetallic sulphides.⁵

9. The Commission welcomed information provided by the secretariat on the training expenditure incurred by contractors from 2001 to 2022. It noted the need to

³ [ISBA/29/LTC/7](#).

⁴ [ISBA/16/A/12/Rev.1](#), annex.

⁵ See [ISBA/29/LTC/9](#).

remind contractors to submit disaggregated figures for training costs in their annual reports.

10. The Commission noted that the launch of the International Seabed Authority Capacity Development Alumni Network⁶ would foster synergies with other programmes and initiatives implemented by the Authority and promote further engagement of former trainees from the contractors' training programme.

C. Annual reports of contractors

11. During the second part of its twenty-ninth session, the Commission considered 30 annual reports on activities carried out by the contractors in 2023, submitted pursuant to section 10 of the standard clauses for exploration contracts. The Commission expressed appreciation to the secretariat for its support in the evaluation of the annual reports.

12. Following extant practice, the Commission set up three working groups to review the following aspects of the annual reports: legal, financial and training; geological and technological; and environmental. It dedicated 5 out of the 10 days of its meetings (2 to 4 and 8 and 9 July) to the consideration of the annual reports within the respective working groups.

13. The Commission noted that some contractors had indicated in their annual reports that they would and in some cases already had sought adjustments to their plans of work and suggested that such adjustments would be necessary owing, inter alia, to the continued absence of a regulatory framework for exploitation and uncertainties in global economic conditions, as well as metal price forecasts. In that connection, the Commission observed that such adjustments would need to be in line with the respective contracts and follow proper consultation with the Authority. While the Commission would continue to monitor the work of those contractors, with the expectation that their work would be carried out in accordance with their respective obligations, the Commission wished to bring the matter to the attention of the Council.

14. The Commission assessed the performance of all contractor activities on the basis of the criteria contained in [ISBA/29/LTC/5](#). Owing to the disruption to and delay in its work caused by Hurricane Beryl, the Commission decided to continue to work in the intersessional period on such assessment and revert to the matter during the first part of the thirtieth session. In line with the procedure described in [ISBA/29/LTC/5](#), the Commission preliminarily identified those contractors that would merit specific attention and requested the secretariat to transmit its concerns in order to consider the matter further in early 2025.

15. In addition to specific comments on each report to be conveyed to the individual contractors by the Secretary-General, the Commission considered the general comments set out below.

Legal, financial and training aspects

16. The Commission noted with satisfaction that the contractors had submitted their annual reports within the prescribed deadline. It noted that, although most contractors had complied with the reporting requirements set out in [ISBA/21/LTC/15](#) and [ISBA/21/LTC/15/Corr.1](#), some had not. Contractors were reminded to comply with the reporting requirements listed in the template, including the strict use of chapter numbering and headings to structure their annual reports. All chapter numbers and

⁶ See www.isa.org/jm/join-the-isa-capacity-development-alumni-network-ican/.

headings must be included, even if no work had been carried out on specific topics in a given year.

17. The Commission reiterated that contractors were required to report correctly and completely on activities in their contract area. The Commission noted with appreciation the extent of detailed information submitted but encouraged contractors to consider doing so in a more concise manner. It was equally noted that some contractors referred to external sources instead of including the relevant information in their annual reports. Annual reports should contain all information required to present specific topics.

18. While most contractors had complied with their plans of work, the Commission noted with concern that expenditure levels for a number of contractors had been far lower than estimated and reminded contractors who had yet to do so to provide explanations on the variance. On the other hand, other contractors had reported much higher expenditure, indicating that they had been updating their exploration work. The Commission noted that that was a positive trend. The Commission also noted with satisfaction that a number of training programmes had been completed in 2023.

Geological and technological aspects

19. The Commission noted that, in general, contractors had performed their activities in accordance with their plans of work. Contractors that had conducted activities beyond their planned undertakings and reported discoveries of new polymetallic sulphide deposits for 2023 were commended, while others who had not performed their activities as projected were encouraged to strategize on how to do so. It was noted that the responses from contractors to the questions related to geological and technological aspects raised in the previous reporting cycle had been satisfactory.

20. The Commission noted that some contractors had not complied with all requirements in section III of [ISBA/21/LTC/15](#) and [ISBA/21/LTC/15/Corr.1](#), (for example, ship track, navigation and bathymetry). It was requested that the delivery of digital data be improved and that it be submitted in line with the DeepData database templates.⁷ Significant progress was observed in the utilization and quality of data provided by various contractors. While there had been notable improvement, the Commission noted that some contractors were still not providing digital data, which remained a critical aspect for comprehensive and efficient data management within the Area. Furthermore, the Commission requested that maps be included in the annual reports to present any spatially related data (such as sampling sites of materials analysed).

21. The Commission noted that few contractors had made significant progress in conducting tests of mining components, while others had not provided information regarding mining technology. The Commission reminded contractors whose contracts were coming to an end to provide information on their strategy to prepare for the exploitation stage.

22. The Commission also noted that several contractors were entering the last five years of their contract and had not performed resource estimation or developed mining equipment and testing protocols.

23. The Commission noted that, with regard to polymetallic nodule exploration activities, there was a large disparity in the degree of progress made among contractors towards commercial production. While some contractors had succeeded in testing mining components at sea, others were still conducting the conceptual design of

⁷ [ISBA/21/LTC/15](#) and [ISBA/21/LTC/15/Corr.1](#), annex IV; see also www.isa.org.jm/exploration-contracts/reporting-templates/ and <https://data.isa.org.jm/isa/map/>.

mining systems. The Commission requested contractors to consider cooperating or collaborating with other contractors in the development of their mining systems.

Environmental aspects

24. The Commission commended the quality and quantity of environmental studies conducted by a number of contractors. It noted an increasing number of comparisons and collaborations within regions or with regard to certain mineral resource types. To that end, contractors were also encouraged to conduct environmental studies outside their contract areas to help to inform the establishment and/or review of regional environmental management plans. However, the Commission reminded contractors that arrangements with other contractors to facilitate cooperation and/or engaging in joint activities did not exempt them from the obligation to carry out their own plans of work and provide information on activities undertaken.

25. The Commission noted that a number of contractors had yet to undertake systematic surface observations of seabirds and pelagic fauna, such as marine mammals, sea turtles and other megafauna (for example, sharks, tuna and sunfish), which might be affected by the mineral resource-related activities of contractors. The Commission further noted that studies in general carried out by contractors on pelagic biological communities (in the water column) were limited.

26. It was also noted that some contractors included large appendices as part of their annual reports. While the Commission appreciated that level of detail where appropriate, it was proposed that contractors submit relevant supplementary data and information in separate files or as hyperlinks.

27. The Commission noted with appreciation that more contractors had undertaken gap analyses to achieve the goals of the five-year programme of activities, in line with the requirements contained in [ISBA/19/LTC/8](#). It noted, however, that a number of them were focused on a particular biological component. The Commission recommended that contractors undertake a comprehensive evaluation across the entire environmental baseline, which should include the study of chemical and physical oceanography, geological properties, fluxes to the sediment, bioturbation and sedimentation rates, and biological communities.

28. The Commission noted, with respect to environmental baseline studies, that adequate levels of sampling effort and replication still needed to be addressed by a number of contractors.

29. The Commission reminded contractors to submit environmental digital data using the designated reporting templates and through the “upload” user interface on the DeepData portal.⁸

30. In general, the definition and level of description in the programme of activities of contractors could be improved, albeit in a concise manner. It noted that, in several cases, contractors had not provided indications of the level of sampling effort and distribution for the following year. The Commission reminded contractors to do so in the annual reporting and periodic review processes.

D. Relinquishment of areas under contracts for exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts

31. On 1 July, the Commission took note of the relinquishment of areas under three contracts for exploration of polymetallic sulphides and cobalt-rich ferromanganese

⁸ Available at www.isa.org.jm/exploration-contracts/reporting-templates and <https://data.isa.org.jm/isa/map>.

crusts, signed between the Authority and the following contractors: Federal Institute for Geosciences and Natural Resources;⁹ Japan Organization for Metals and Energy Security;¹⁰ and China Ocean Mineral Resources Research and Development Association.¹¹

32. The Commission noted that contractors had been complying with the requirements contained in the regulations on exploration and the recommendations on relinquishment¹² and reiterated its invitation to contractors to consider, on a voluntary basis, the ecological characteristics of an area when identifying cells for relinquishment.

III. Applications for approval of plans of work for exploration

33. The Commission continued with its consideration of the two applications submitted by the Government of India. It is noted that the Commission received notification of responses from the applicant on 28 May 2024 to questions posed to the applicant on 7 March 2024.¹³

34. The Commission considered the application for a plan of work for polymetallic sulphides on 3, 4, 10 and 11 July 2024. On 6 July, the Commission formulated additional questions for the applicant. On 10 July, the Commission received a letter from the Secretary-General transmitting responses from the applicant to the questions. On 11 July, the Commission recommended the approval of the application and adopted its report and recommendation to the Council.¹⁴

35. The Commission considered the application for a plan of work for cobalt-rich ferromanganese crusts from 8 to 11 July 2024 and adopted a report for the consideration of the Council.¹⁵

IV. Regulatory activities of the Authority

Development of environmental threshold values

36. On 5 July, the Commission took note of the progress that had been made with respect to the development of environmental threshold values by the subgroups of the intersessional expert group. In view of the need to align progress across the three subgroups effectively and enable discussions on possible interactions between the environmental pressures that might result from mining, an in-person meeting of the intersessional expert group was held in Kingston from 27 to 29 June 2024.

37. The Commission noted that significant progress had been made within the respective groups related to the status of the knowledge base for determining threshold levels, the scope of thresholds, including appropriate indicators, and the approaches to developing threshold values considering levels of uncertainty and confidence.

⁹ See [ISBA/29/C/16](#).

¹⁰ See [ISBA/29/C/18](#).

¹¹ See [ISBA/29/C/17](#).

¹² Regulation 27 of the regulations on prospecting and exploration for polymetallic sulphides in the Area ([ISBA/16/A/12/Rev.1](#), annex), regulation 27 of the regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area ([ISBA/18/A/11](#), annex) and [ISBA/25/LTC/8](#).

¹³ See [ISBA/29/LTC/2](#) and [ISBA/29/LTC/3](#).

¹⁴ [ISBA/29/C/14](#).

¹⁵ [ISBA/29/C/19](#).

38. The Commission highlighted the value of the in-person meeting in advancing the development of threshold values in a timely manner. The draft report of the intersessional expert group was expected to be considered by the Commission at its next meeting during the first part of the thirtieth session. The draft report would be released for stakeholder consultation following its consideration by the Commission.

V. Environmental management planning

Development of a standardized approach for the development, approval and review of regional environmental management plans

39. The Commission, during the first part of the session, had provisionally adopted a standardized procedure for the development, establishment and review of regional environmental management plans, including a template with minimum requirements contained in [ISBA/29/C/10](#). At the same meetings, the Commission had decided to support the practical implementation of the standardized procedure and template by developing recommendations on technical guidance for the Commission to complement the standardized procedure and template, thereby creating a comprehensive package for the development, establishment and review of regional environmental management plans.¹⁶ The Commission had worked extensively to that end since March and had held a virtual meeting on 20 June 2024.

40. In finalizing the draft standardized procedure, template and recommendations, the Commission considered the written comments in the eight written submissions¹⁷ made by member States and observers on an earlier version of the draft standardized procedure and template, contained in [ISBA/27/C/37](#). The Commission's consideration of the written comments is summarized in the annex to the present note. The Commission noted that the written comments reflected the key elements in the proposals submitted to the Council in 2020 on a procedure¹⁸ and template¹⁹ for regional environmental management plans.

41. The Commission further noted that some aspects of the standardized procedure, template and recommendations would need to be aligned with the regulations for exploitation of mineral resources in the Area, when adopted. It was further envisaged that the recommendations would need to be updated to incorporate advancements in scientific knowledge and ensure that they provided appropriate technical guidance to continue to support the regional environmental management plan process. During the meetings, the Commission further reviewed the draft recommendations on 1 and 5 July and, on 10 July, the Commission adopted the recommendations.²⁰

¹⁶ See [ISBA/29/C/7](#).

¹⁷ Available at www.isa.org.jm/protection-of-the-marine-environment/regional-environmental-management-plans/standardized-approach/.

¹⁸ [ISBA/26/C/6](#).

¹⁹ [ISBA/26/C/7](#).

²⁰ [ISBA/29/LTC/8](#).

Annex

Consideration of the written comments on the draft standardized procedure for the development, approval and review of regional environmental management plans (ISBA/27/C/37, annex)

1. In the revision of the draft standardized procedure and template for the development, establishment and review of regional environmental management plans, and through the preparation of the recommendations for the development of such plans in support of the standardized procedure and template, the Commission addressed the majority of the written comments received, agreeing on many, notably the following:

- Indicate that a regional environmental management plan must be in place before the consideration of any plan of work for exploitation in the region concerned.
- Avoid expressing a fixed number of workshops needed to support the development of a regional environmental management plan.
- Content and procedure for creating the regional environmental assessment and data reports should be formalized together with lists of scientific information to be compiled under these reports.
- Relevant experts, stakeholders in the field and representatives of relevant international bodies should be invited to any particular workshop on the basis of an expert and stakeholder mapping exercise.
- Expand upon the criteria for the selection of experts who will be able to participate in the workshops.
- Provide a minimum of 90 days for stakeholder consultation on regional environmental management plans.
- Specify the conditions that may trigger the review of a regional environmental management plan and include consultations during the review and revision of the plan.
- Include the preparation of regular reports on newly available scientific information and monitoring data by the Commission and make them available.
- The review of the regional environmental management plan would possibly lead to the revision of management measures in the plan.
- The template should contain minimum requirements that every regional environmental management plan would need to fulfil.
- Identify the overarching goals and objectives of regional environmental management plans that could be standardized in the template.
- Specify the information needed to describe regional geological, oceanographic and environmental settings, human activities, management measures and description of ecologically important areas in the template.
- Include a section on a regional monitoring programme in the standardized procedure and template.
- Include a list of potential management measures under the regional environmental management plan template (area-based, seasonal/temporal, restrictions on biota, etc.).

- Include consideration of ways to avoid impact from potential mining operations in area-based management tools.
2. The Commission considered that the following written comments would require further consideration and were not incorporated into the standardized procedure, template and recommendations:
- Inclusion of reference to article 149 of the United Nations Convention on the Law of the Sea. A footnote was added in the standardized procedure to note that the concept was still under negotiation in the Council. Therefore, such references were not inserted. If necessary, any references to underwater cultural heritage would need to be aligned with the regulations on exploitation of mineral resources in the Area once they have been adopted.
 - Comment that a regional environmental management plan should serve to manage potential conflicts between different human activities occurring in the same region. The Commission considered that as part of the regional environmental management plan process, cumulative impacts from different activities should be analysed and assessed to inform the establishment of management measures in line with the mandate of the Authority, but that the regional environmental management plans could not manage potential conflict between activities.
 - Comment related to whether standardized procedure and template for regional environmental management plans should be a binding standard. The Commission noted that different views had been expressed in the written submissions received from the member States concerning the nature of regional environmental management plans.
 - Comment related to the possible establishment of expert committees to undertake certain tasks in the regional environmental management plan process that were currently carried out by the Commission. The Commission noted that different views had been expressed in the written submissions received from the member States in that regard. The development and review process of regional environmental management plans, as outlined in the revised standardized procedure, template and recommendations, provided for effective engagement with external experts through workshops and public consultation of draft regional environmental management plans.
 - Comment related to the compilation of all data in the data report and regional environmental assessment in one database (such as DeepData). The data report and regional environmental report are available on the International Seabed Authority website, and links to the datasets compiled are provided in the reports. However, uploading all data to DeepData would require significant resources given the volume and varied format of data and that many data sets are not held by the Authority.
 - Comments related to the inclusion of scenarios for mining activities and designation of mining areas within contract areas, as part of the management measures under the regional environmental management plan. The Commission considered that as the regional environmental management plan needed to be in place before consideration of any application for a plan of work for exploitation in the region concerned and given the uncertainty at present on the nature and extent of mining operations for some mineral resources, it would be challenging to develop and evaluate realistic scenarios.
 - Comment related to the establishment of guidance under the regional environmental management plan on the size and locations of impact and preservation reference zones within contract areas. The Commission considered

that the guidance on impact and preservation reference zones should be set out through relevant rules, regulations, standards and guidelines related to contract areas and not be set out in the regional environmental management plans.

- Comment related to the provision of a compensation mechanism for contractors if establishing area-based management tools within their contract areas would result in the most prospective areas being protected and unavailable for resource development. The Commission considered that there should be further discussion on how contractors could carry out relinquishment if it improved regional environmental management.



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Item 7 of the provisional agenda*

**Status of contracts for exploration and related matters,
including information on the periodic review of the
implementation of approved plans of work for exploration**

Report on the relinquishment of 50 per cent of the area allocated to the Institut français de recherche pour l'exploitation de la mer (Ifremer) under the contract for exploration for polymetallic sulphides between Ifremer and the International Seabed Authority

Note by the secretariat

1. The contract for exploration for polymetallic sulphides between the Institut français de recherche pour l'exploitation de la mer (Ifremer, the contractor) and the International Seabed Authority was signed on 18 November 2014. The area under the contract covers 10,000 km².
2. Pursuant to the schedule for fulfilling relinquishment obligations, as set out in regulation 27 (2) of the regulations on prospecting and exploration for polymetallic sulphides in the Area ([ISBA/16/A/12/Rev.1](#), annex), by the end of the eighth year from the date of the contract, the contractor must have relinquished at least 50 per cent of the original area allocated to it and, by the end of the tenth year from the date of the contract, the contractor must have relinquished at least 75 per cent of the original area allocated to it.
3. Accordingly, the contractor was required to relinquish at least 50 per cent of its allocated area by 18 November 2023, at the end of the eighth year. The Legal and Technical Commission may recall that in 2022 Ifremer had made a request to defer its schedule of relinquishment owing to the impacts of the coronavirus disease (COVID-19) pandemic on its operational activities ([ISBA/27/LTC/6](#)), following which the Council decided to defer the first relinquishment by one year ([ISBA/27/C/39](#)).
4. By letter dated 9 October 2023, the contractor submitted to the Secretary-General of the Authority a report on the relinquishment of 50 per cent of the area allocated to it under the exploration contract for polymetallic sulphides, with

* [ISBA/29/C/L.1](#).



cartographic material that included shapefiles of relinquished and remaining cells and an overview map with the remaining exploration areas.

5. During the first part of the twenty-ninth session, held from 4 to 15 March 2024, on the basis of the technical review carried out by the secretariat, the Commission noted that the contractor had complied with its relinquishment obligations pursuant to the applicable regulations and the recommendations for the guidance of contractors on the relinquishment of areas under exploration contracts for polymetallic sulphides or cobalt-rich ferromanganese crusts (ISBA/25/LTC/8).

6. The total original area, the maps of which are available at www.isa.org.jm/wp-content/uploads/2024/03/Map.jpg, consists of 1 km x 1 km cells within 100 blocks. The number of relinquished cells per cluster varies from 200 to 1,574. A total of 5,000 cells were relinquished from 10,000 cells in 100 blocks within six clusters, comprising an area of 5,000 km².

7. The relinquished area has reverted to the Area.

8. The Council is invited to take note of the present note.



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Statement of the President on the work of the Council of the International Seabed Authority during the first part of the twenty-ninth session

I. Opening of the session

1. At the 313th meeting, on 18 March 2024, the President of the Council, Juan José González Mijares (Mexico), opened the twenty-ninth session. The Council met from 18 to 29 March and held five meetings.

II. Adoption of the agenda

2. At its 313th meeting, the Council adopted the agenda for its twenty-ninth session ([ISBA/29/C/1](#)).

3. Later, at its 316th meeting, on 28 March, the Council adopted a new agenda item (item 21), entitled “Proposal to the Assembly of a list of candidates for the election of the Secretary-General” (see [ISBA/29/C/1/Rev.1](#)).

III. Election of the President and Vice-Presidents of the Council

4. At its 313th meeting, the President of the Council stated that, following the principle of rotation between regional groups, it was the turn of the Western European and other States regional group to nominate a candidate as President. Since that regional group had not yet reached agreement on nominating a candidate, the Council noted that the President for the twenty-eighth session would preside until the election of the President for the twenty-ninth session.

5. At the same meeting, the Council elected Uganda (African States) and India (Asia-Pacific States) as Vice-Presidents, according to rule 22 of the rules of procedure of the Council of the International Seabed Authority, while Canada (Western European and other States) remained in office as Vice-President until the election of the President took place, according to rules 22 and 23 of the rules of procedure.



6. Subsequently, at its 314th meeting, on 21 March, the Council elected by acclamation Olav Myklebust (Norway) as President of the Council for the twenty-ninth session. The Council also elected Brazil (Latin American and Caribbean States) as Vice-President.

IV. Report of the Secretary-General on the credentials of members of the Council

7. At the 316th meeting, the Secretary-General indicated that, as at that date, credentials had been received from 29 members of the Council.

V. Election to fill a vacancy on the Legal and Technical Commission in accordance with article 163, paragraph 7, of the United Nations Convention on the Law of the Sea

8. At its 313th meeting, the Council elected María Gómez Ballesteros (Spain) to fill a vacancy on the Legal and Technical Commission resulting from the resignation of Adolfo Maestro González (Spain), for the remainder of his term until 31 December 2027 (see [ISBA/29/C/3](#)).

VI. Status of the contracts for exploration and related matters, including information on the periodic review of the implementation of approved plans of work for exploration

9. At the 317th meeting, on 28 March, the Council was presented with a report on the status of the contracts for exploration and periodic reviews of the implementation of plans of work for exploration ([ISBA/29/C/5](#)). The Council took note of the content of the report.

10. At the same meeting, the Council considered a note by the secretariat on the relinquishment of 50 per cent of the area allocated to the Institut français de recherche pour l'exploitation de la mer (Ifremer) under the contract for exploration for polymetallic sulphides between Ifremer and the Authority ([ISBA/29/C/8](#)). The Council took note of the content.

VII. Draft regulations on exploitation of mineral resources in the Area

11. At its 313th meeting, the Council took up agenda item 10 on the consideration of the draft regulations on exploitation of mineral resources in the Area. All subsequent discussions on the draft regulations took place in informal sessions of the Council, open to participation by members of the Authority and observers.

12. In line with the road map endorsed by the Council in November 2022 (see [ISBA/27/C/21/Add.2](#), annex II), the Council's decision of 21 July 2023 ([ISBA/28/C/24](#)) and the President's briefing note of 15 February 2024,¹ the President of the Council presented the consolidated text² of the draft regulations on exploitation of mineral

¹ See www.isa.org/jm/wp-content/uploads/2024/02/Presidents-Briefing-note-on-the-consolidated-text.pdf.

² See www.isa.org/jm/wp-content/uploads/2024/02/Consolidated_text.pdf.

resources in the Area, as well as a suspense document,³ a proposal compilation,⁴ a matrix of environmental standards and guidelines⁵ and suggested working modalities for the first part of the twenty-ninth session. During the remainder of the session, the Council held thematic discussions on specific aspects of the draft regulations, with the support of the Chair of the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract under article 13, paragraph 1 of annex III to the United Nations Convention on the Law of the Sea and section 8 of the annex to the Agreement relating to the Implementation of Part XI of the Convention, facilitators and rapporteurs, as well as detailed textual discussions chaired by the President of the Council on the basis of the consolidated text.

13. From 18 to 20 March, the Open-ended Working Group held its tenth meeting. On 18 and 19 March, the topics for discussion were the royalty mechanism and the review mechanism. On 19 March, a thematic discussion was held on equalization measures, with Australia as rapporteur. On 20 March, the Open-ended Working Group held a discussion on environmental externalities. Participants agreed to continue the discussions intersessionally and further refine the text.

14. On 20, 21, 25 and 26 March, the Council discussed the President's consolidated text from the preamble to draft regulation 25.

15. On 22 March, a discussion was held on the inspection mechanism, with Norway as rapporteur. Many participants emphasized the need for an inspection, compliance and enforcement mechanism. However, some hesitancy was expressed, as some also saw value in an inspection, compliance committee that facilitates communication between the Chief Inspector, the Legal and Technical Commission and the Council while also cooperating with the secretariat and member States. Various conceptual issues, including institutional placement, were discussed. The rapporteur invited further written submissions and continuation of the intersessional work.

16. The informal working group on institutional matters held its seventh meeting on 25 March on the topic of effective control. Divergent views were expressed between the "regulatory control approach" and the "economic control approach". The co-facilitators indicated that further intersessional work would continue on the topic, inviting all interested delegations to participate.

17. On 26 and 27 March, the informal working group on the protection and preservation of the marine environment held its seventh meeting. On 26 March, the topic for discussion was the environmental compensation fund. On 27 March, the topics for discussion were the environmental impact assessment and environmental impact statement process, regional environmental management plans and test mining. At the end of the meeting, the facilitator invited delegations to continue with intersessional work and to follow up with written proposals on the various subjects touched upon during the discussions.

18. A thematic discussion was held on 27 March on the definition of intangible cultural heritage, with the Federated States of Micronesia as rapporteur. Overall, while there was agreement on the importance of protecting underwater cultural heritage and intangible cultural heritage, further clarification and operationalization of underwater cultural heritage and intangible cultural heritage provisions within the regulations were deemed necessary to ensure effective implementation. Participants were invited to pursue the discussion intersessionally.

³ See www.isa.org.jm/wp-content/uploads/2024/02/Suspense-document.pdf.

⁴ See www.isa.org.jm/wp-content/uploads/2024/03/Proposal-Compilation-document-UPDATED-final-1.pdf.

⁵ See www.isa.org.jm/wp-content/uploads/2024/03/ENV-Matrix.xlsx.

Reports of negotiations on the draft regulations

19. At the 318th meeting, on 29 March, the Council took note of all the oral reports by the Chair of the Open-ended Working Group, facilitators and co-facilitators of the informal working groups and rapporteurs, as well as the summary of the consideration of the President's consolidated text (see annex). A delegation emphasized the need to accelerate the pace of work and expressed its support for a third meeting of the Council in November 2024, if necessary, to make progress on the draft regulations, but indicated that discussion of this proposal could take place in the context of the review of the road map scheduled for July 2024.

VIII. Report of the Chair of the Legal and Technical Commission on the work of the Commission at the first part of its twenty-ninth session

20. At its 313th meeting, the Vice-Chair of the Legal and Technical Commission, Sissel Eriksen, delivered a preliminary report on behalf of the Chair of the Commission on the work of the Commission at the first part of the twenty-ninth session.

21. At its 316th meeting, the Council took note of the report of the Chair of the Commission on the work of the Commission at the first part of its twenty-ninth session ([ISBA/29/C/7](#)). Many delegations expressed appreciation for the ongoing hard work of the Commission. The Council noted with appreciation the revised recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration. Many delegations underscored the importance of training opportunities provided by contractors for developing countries and commended the very positive progress accomplished in increasing the participation of qualified women under the Women in Deep-Sea Research project. Many delegations also welcomed the launch of the International Seabed Authority Capacity Development Alumni Network as a way to further enhance ownership and expertise in deep-sea-related disciplines.

22. The Council also took note of the adoption by the Commission of criteria for identifying contractors at risk of non-compliance as well as the modalities for facilitating an exchange of views with contractors. The Council took note of a draft regulation relating to certificates of origin, proposed by the Commission on the basis of a suggestion by Belgium, and decided to include the proposed draft regulation in the next iteration of the President's consolidated text.

23. The Council also noted with appreciation the progress on the development of environmental threshold values as well as the advanced work on the development of a standardized procedure and template for the development, establishment and review of regional environmental management plans, noting that some aspects of the standardized procedure would need to be updated for alignment purposes with the regulations on exploitation of mineral resources in the Area, when adopted.

24. The Council took note of the ongoing development of the guidance note for the implementation of the standardized procedure and template and looked forward to the presentation of the package at its next meeting.

IX. Cooperation with other relevant international organizations

25. At the 316th meeting, the Council considered a memorandum of understanding between the Authority and the Food and Agriculture Organization of the United Nations (FAO) ([ISBA/29/C/2](#)). The purpose of the memorandum is to facilitate

cooperation and collaboration between the Authority and FAO in areas of common interest, in particular in relation to deep-sea fisheries and areas beyond national jurisdiction matters. The Council approved the memorandum of understanding and requested the Secretary-General to sign it and ensure appropriate coordination with FAO on policy measures within each organization's respective mandates in areas beyond national jurisdiction, to achieve its objectives.

X. Report on cooperation with the OSPAR Commission

26. At the 316th meeting, the Secretary-General presented a report on cooperation with the OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic ([ISBA/29/C/6](#)). The report had been requested by the Assembly at its twenty-eighth session and concerned the decision adopted by the OSPAR Commission resulting in the extension of the scope of the North Atlantic current and Evlanov Sea basin marine protected area over the Area, and its potential implications on the exclusive mandate assigned to the Authority over the Area by the United Nations Convention on the Law of the Sea. Some delegations emphasized the importance of preserving the Authority's mandate in relation to regulating and organizing activities in the Area, including the protection of the marine environment, and proposed that a framework for coordination with the OSPAR Commission be developed. Another delegation raised the issue of the polarization of debate pertaining to the exclusive mandate of the Authority in various organizations and called upon members of the Authority to maintain the integrity of the mandate of the Authority while preventing the occurrence of further polarization. Several delegations recognized the specific and exclusive mandate of the Authority. Many delegations also recalled that the measures adopted by the OSPAR Commission could only be considered binding on OSPAR contracting parties. Some noted that both organizations could, in certain circumstances, have complementary roles to play. Many delegations welcomed the efforts of the secretariat to enter into dialogue with the OSPAR Commission and were of the view that the memorandum of understanding signed between both organizations should serve as a basis to ensure proper consultation and coordination.

27. The Council took note of the report and requested the Secretary-General to provide regular updates on the status of cooperation between the two organizations.

XI. Report of the Secretary-General on incidents in the NORI-D contract area in the Clarion-Clipperton Zone

28. At the 315th meeting, on 22 March, the Council took note of the revised report of the Secretary-General on incidents in the NORI-D contract area in the Clarion-Clipperton Zone ([ISBA/29/C/4/Rev.1](#)).

29. While the majority of delegations expressed support for the right to protest at sea, they also recognized that such a right was not absolute and was limited by the rights of other States in their exercise of the freedoms of the high seas, and also must be carried out with due regard for rights with respect to activities in the Area in accordance with the Convention.

30. A sponsoring State stressed the need to take action to prevent the obstruction of activities in the Area, allow the exercise of sovereign rights as a sponsoring State and ensure the protection of human life at sea. The same sponsoring State proposed the establishment of a safety zone of up to 500 metres around vessels and installations conducting activities in the Area as an interim measure until the Authority's regulations on exploitation are revised.

31. The flag State of the *Arctic Sunrise* stated its position on the right to protest at sea and described in detail the exercise of its flag State's responsibilities and exclusive jurisdiction over the vessel. Reference was made to the decision of the Amsterdam District Court and the report of the Human Environment and Transport Inspectorate of the Dutch Ministry of Infrastructure and Water Management.

32. The exchange of views that followed the statements diverged on the manner in which to address the issue under discussion but called for dialogue to ensure the safety of life at sea for protesters and contractors. It was not questioned that ensuring safety at sea had guided the actions taken and that the exercise of the right to protest cannot compromise safety at sea. It was recalled that what is safe on land can quickly become risky at sea. A suggestion to adhere to a code of conduct was made.

33. It was also recalled that under article 146 of the Convention, with respect to activities in the Area, necessary measures are to be taken by the Authority to ensure effective protection of human life. Some delegations favoured the adoption of measures in order to prevent interference with contractors' activities, including by means of establishing a safety zone. However, several delegations expressed that the Authority should coordinate such measures with the International Maritime Organization Maritime Safety Committee. Some delegations considered that regulation 33 of the regulations on prospecting and exploration in the Area was not a sufficient basis for the Secretary-General to take immediate measures as it does not refer to the safety of life at sea or provide any basis for the immediate measures issued on those grounds. Others were of the view that such immediate measures of a temporary nature were necessary and appropriate and that the Secretary-General had fulfilled his obligation under the Convention and, accordingly, asked that the Secretary-General continue to take appropriate and necessary action should the need occur.

34. At the 318th meeting, the Council was informed by a delegation that it was consulting with other delegations with a view to proposing a draft decision of the Council identifying appropriate measures to ensure the safety of human life when activities in the Area are being undertaken. Several delegations noted the urgency of this topic.

Annex

Reports on progress made by the working groups

I. Oral report delivered by the Chair of the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract, Olav Myklebust (Norway)

1. The meetings of the Open-ended Working Group took place on 18, 19 and 20 March 2024. Delegations had been invited to prepare for the meeting on the basis of the Chair's meeting note shared with the delegations on 1 March.

2. At the commencement of the meeting, the Chair provided a brief overview of the agenda of the Open-ended Working Group and recalled the guiding questions previously proposed to inform the discussions, which were formulated on the basis of the main outstanding conceptual issues. The Chair also reminded the participants that the Open-ended Working Group would have the benefit of the presence of two distinguished experts, Richard Roth of the Massachusetts Institute of Technology and Luke Brander.

3. The first discussion point focused on the issue of incentives. It was recalled at the outset that both the purposes and the categories of incentives had been matters under discussion. In the context of the unfolding discussion, it remained a debated issue whether incentives may address the disparity of the concentration of resources, most delegations expressing, however, some opposition to this possibility. It has emerged from the discussion that there appears to be general agreement that financial incentives should be available, but it remained uncertain what other categories of incentives may also be introduced. Several delegations emphasized the importance and necessity of incentives supporting the transfer of technologies and training.

4. The second issue discussed in detail was the review of the payment system and the payment mechanism. In this context, Canada has provided a detailed update on the intersessional work. This intersessional work entailed the elaboration of new proposed standards, which have been, for the time being, included in the suspense document. Delegations were invited to consider these proposals in detail and continue the constructive intersessional work on them. Delegations disagreed on whether it is appropriate to incorporate the concepts of environmental impacts into the review of the payment mechanism.

5. The discussions moved to the issue of the commencement of commercial production (as now reflected in draft regulation 27). Canada provided further explanations of the relevant part of the intersessional work, and the proposed alternative wording put forward for the regulation gained wide support. The issue of the role and rights of coastal States arose in this context, but it was eventually agreed that the proposed standard text, put forward by Canada and now included in the suspense document, adequately tackles this aspect.

6. In relation to the commencement of commercial production, the issue of the date on which payments from contractors should commence also arose. The Secretary-General, addressing the floor, emphasized the necessity of considering the need for an annual fixed fee from the date of the contract, regardless of commercial production. The purpose of such a fee, which was provided for in the United Nations Convention on the Law of the Sea, is to ensure that member States are not required to subsidize the costs of managing contracts prior to the date of commercial production. Once commercial production starts, the royalty regime would replace the fixed fee.

7. Following the conceptual discussions, delegations continued with a regulation-by-regulation discussion of particular regulations relevant to the financial terms, which has resulted in further refinement of, and in certain respects commendable agreement on, previously open matters.

8. The final part of the meeting of the Open-ended Working Group focused on the issue of environmental externalities. Mr. Brander provided a detailed overview of his work carried out for the benefit of the Council last year, addressing, among other issues, the required level of certainty that a policymaker should possess when factoring ecosystem valuation into policymaking. The floor was open for comments and questions, with delegations expressing divergent views on whether environmental externalities should (and even possibly could) be internalized in the royalty mechanism. A central part of this discussion appeared to focus on how the internalization of externalities would affect the position of contractors when compared with those of land-based miners.

9. In closing the session, the Chair provided a brief summary of the meeting and urged participants to continue the constructive discussions intersessionally.

II. Oral report delivered by the facilitator of the informal working group on the protection and preservation of the marine environment, Raijeli Taga (Fiji)

10. The meetings of the informal working group took place on 26 and 27 March 2024. The facilitator's briefing paper, issued on 1 March, had outlined the proposed questions to frame and orientate the discussions, with a view to narrowing down and precisely defining the still outstanding specific conceptual issues. During the opening minutes of the meeting, the facilitator recalled the guiding questions and, absent any objection from the floor, in order to proceed with the proposed modalities, substantive discussion on the guiding questions ensued, involving both delegations and observer parties.

11. The first overarching topic under discussion was the issue of the environmental compensation fund. The discussions covered several outstanding issues. These included: the issue of whether the liability regime applicable to the compensation mechanism should be a strict or fault-based liability regime; the issue of how best to ensure the management of the fund; the issue of damages eligible for compensation from the fund; and the issue of the scope of parties entitled to receive compensation from the fund. Overall, a divergence of views remained apparent on most of these issues. In respect of the applicable liability regime, certain delegations emphasized that imposing a strict liability regime would be at odds with the United Nations Convention on the Law of the Sea, but other delegations noted that to do so would be in line with other environmental compensation mechanisms. Most delegations expressed support for codifying only the establishment and the foundational rules of the fund within the regulations on exploitation (recording the already agreeable parameters of the fund), with more detailed rules to be included in standards and guidelines. Several participants emphasized that the focus on the fund should not detract from the primary focus being on the prevention of environmental harm and the finalization of the relevant regulations to achieve this goal.

12. On the second day of the meetings of the informal working group, the discussion turned to the issues of environmental impact assessments and environmental impact statements. The United Kingdom of Great Britain and Northern Ireland, which coordinated intersessional work along with Germany and the Kingdom of the Netherlands, provided an update to the working group on the most recent proposals, presenting the working group with an overall restructuring proposal. The aim of the proposal is to strike a balance between more high-level provisions to be included in the regulations and more technical provisions being relegated to standards or

guidelines. The restructuring proposal gained considerable support from member States and participants. The United Kingdom has indicated that work may continue in the framework of a drafting group, in which member States were encouraged to participate.

13. The third part of the discussions revisited the issue of regional environmental management plans. The majority of contributing members and delegates agreed that regional environmental management plans are first and foremost policy documents. Multiple contributors proposed exploring ways to give effect to specific parts of such plans by way of binding instruments. The facilitator recalled that the secretariat had recently issued a discussion paper on this matter.

14. The final part of the meeting of the working group focused on the issue of test mining. As the coordinator of intersessional work, Germany opened the discussion by providing an update on the current state of the discussions, pointing out that overall agreement on the matter has not yet crystallized in the intersessional period. As the unfolding discussions demonstrated, it remains a point of disagreement whether the Convention allows the exploitation regulations to prescribe test mining prior to the approval of a plan of work for exploitation, or whether it is an indispensable first step to have a contract already in place by the time at which test mining commences. Delegations have also reflected on the status of test mining in the context of exploration contracts. It has been suggested that a more streamlined approach may be considered in circumstances in which a particular type of mining equipment has already been tested, in order to avoid unnecessary repeat testing.

15. In closing the meeting, the facilitator invited delegations to indicate to the secretariat their interest in participating in further intersessional work and to follow up with written proposals on the various subjects touched upon during the discussions. The deadline for written submissions is 1 May 2024.

III. Oral report delivered by the rapporteur of the thematic discussion on the inspection, compliance and enforcement mechanism, Terje Aalia (Norway)

16. The thematic discussion on the inspection, compliance and enforcement mechanism took place on 22 March 2024. The discussion among member States and other participants was organized along the lines of the guiding questions proposed by Norway, which had been available on the Authority's web page since 13 March.

17. At the outset of the session, the rapporteur briefly summarized the background of the issues before the Council and the intersessional work, recalling in summary format the variety of previous proposals on the inspection, compliance and enforcement mechanism. This overview reflected on an inspection, compliance and enforcement mechanism from the twenty-seventh and twenty-eighth sessions and the most recent proposal, which is the one presented by Germany on what is now draft regulation 102 in the President's consolidated text.

18. The discussion commenced with the delegation of Germany setting out the rationale of its proposal. Among other points, it was emphasized that the proposal is aimed at demonstrating a strong compliance regime, comparable to other international mechanisms. While the proposal would aim to ensure an overall member State-controlled process, emphasis was also put on the need not to undermine the role of existing compliance mechanisms, the functioning of the Legal and Technical Commission in this respect and ensuring the involvement of the secretariat.

19. Following this proposal, a number of delegations expressed overall appreciation for it, while others emphasized that the previously proposed hybrid model should still serve as a preferred basis for further discussions. Although several delegations agreed that the Council is entitled to create new organs in accordance with the United Nations

Convention on the Law of the Sea, at the same time, other delegations questioned the need for creating a new organ, potentially with a mandate and competence overlapping with those of existing organs. The question has also been raised as to whether the regulations are the format in which the Council is entitled to establish new organs – as opposed to other decisions. These delegations invited further assessment of this matter. Several delegations emphasized the utility of following an “evolutionary approach”. The discussions then continued on the basis of the guiding questions outlined by the rapporteur.

20. The first question raised the issue of situating the proposed compliance committee within the institutional framework of the Convention. In the light of the discussions that unfolded on this item, it appears that several delegations find it important to ensure the independence of the committee, while other delegations questioned the rationale of making the committee independent of the Legal and Technical Commission. However, delegations presented diverging views as to how best this independence should be understood. It has been emphasized that politicization of the committee should be avoided. The need to consider cost-efficiency in devising the system was also referred to. Discussions also addressed whether the committee should be positioned under the Council or under or within the Commission. Positions continue to diverge on this matter and it was suggested that views from the Commission should also be considered.

21. The next question addressed the scope of the decision-making powers of the committee. It has been suggested that the compliance committee should be entitled to issue compliance notices, emergency orders and orders to take immediate action. Other delegations underlined that the compliance committee should be empowered to review inspection reports and issue compliance notifications, while allowing the Commission to continue to carry out the responsibilities that it has historically been carrying out pursuant to the Convention.

22. On the third question concerning the composition of the compliance committee, several delegations emphasized the need to incorporate criteria in order to ensure that members of the committee have the required technical qualifications and credentials, as well as ensuring equitable geographic distribution. It has been suggested that a hierarchy between the compliance committee and the Commission should be avoided.

23. In the concluding remarks, the rapporteur invited further written submissions, also on the remaining guiding questions, to facilitate continuing the intersessional work, with a view to bringing delegates closer to securing a robust inspection, compliance and enforcement mechanism, consistent with the call of several delegations for further work on this matter. With the indulgence of the group, intersessional work may be initiated to this effect and be continued at the next Council meeting in July.

IV. Oral report delivered by the co-facilitators of the informal working group on institutional matters, Gina Guillén-Grillo (Costa Rica) and Salvador Vega Telias (Chile)

24. The informal working group on institutional matters met on 25 March 2024. As the briefing note issued by the co-facilitators before the meeting had set out in further detail, the topic of the discussion was the issue of effective control. At the commencement of the discussion, the co-facilitators underscored the relevance of the subject matter, which was also reflected in the negotiating history of the United Nations Convention on the Law of the Sea, and provided a brief overview of the status of the discussions.

25. The co-facilitators reminded delegates and other participants that a variety of approaches to the issue of effective control exist in international law, depending on

the context in which the concept arises. As the co-facilitators recalled, two particular formulations, which had been referred to in the context of State sponsorship of contractors in the exploitation regime, are the “regulatory control approach” and the “economic control approach”.

26. Once the floor was open for comments, several delegations addressed the two different approaches. It has become apparent that a divergence of views remains, but multiple delegations have voiced the possibility of finding a reconciliation between the two approaches.

27. Delegations who supported the “regulatory control approach” underlined that adhering to this approach would be in accordance with the Convention and the Agreement relating to the Implementation of Part XI of the Convention (1994 Agreement) and the practice consistently followed in the context of the exploration regulations. According to the delegations raising this point, introducing a new approach would amount to changing what was described as the traditionally accepted interpretation of the concept of effective control under the Convention and the 1994 Agreement, and would undermine the premise that the decision whether to sponsor a contractor is a matter to rest between the sponsoring State and the contractor. However, a number of other delegations noted that adopting the “economic control approach” would be permissible, and would in fact reflect the practice followed within some domestic legal systems, with examples of best practices being available to study, adopt and develop solid mechanisms for the exploitation phase, fulfilling the mandates flowing from the Convention.

28. Delegations disagreed on how the implementation of an “economic control approach” would bear upon the position of developing States. Certain delegations maintained that the practical consequence of such an approach would be the prevention of less developed States from sponsoring contractors. Other participants pointed out that developing States would in fact benefit from the implementation of the “economic control approach”, which would also facilitate enforcement against assets in case that becomes necessary.

29. A number of delegations have also reflected on the ramifications of effective control rules for the liability of States. Those who supported adhering to the “regulatory control approach” emphasized that the obligations of the sponsoring State are, by their nature, obligations of conduct (as reflected in the 2011 advisory opinion of the Seabed Disputes Chamber of the International Tribunal on the Law of the Sea), which, in essence, impose obligations on the sponsoring State to introduce an appropriate regulatory framework to apply to the contractor. At the same time, other delegations, referring to the International Tribunal advisory opinion, recalled the importance of avoiding a situation in which “jurisdictions of convenience” are created as a result of the sponsorship regime, allowing unduly lenient regulation and supervision of contractors. This was described as a factor militating in favour of the “economic control approach”. In response, it was pointed out that the supervision of contractors fundamentally remains the responsibility of the Authority, and in circumstances in which the Authority carries out its responsibility in accordance with robust regulations, lenient regulation and a competition between “jurisdictions of convenience” should be by definition impossible even if the “regulatory control approach” is followed.

30. In concluding the meeting, the co-facilitators indicated that further intersessional work would continue on the topic, inviting all interested delegations to express their wish to participate to the secretariat.

V. Report of the thematic discussion on an equalization measure

31. On 19 March 2024, the Council held a thematic discussion on an equalization measure as part of the financial terms of contracts, in an informal setting.

32. Daniel Wilde of the Commonwealth Secretariat and Richard Roth of the Massachusetts Institute of Technology provided expert input to the discussions. On behalf of those who participated in this thematic discussion, the rapporteur thanked them for their assistance.

33. Mr. Wilde gave a presentation explaining the legal basis for an equalization measure in the United Nations Convention on the Law of the Sea and the Agreement on the Implementation of Part XI of the Convention. His presentation is available on the website of the International Seabed Authority.

34. Mr. Wilde also explained why the average effective tax rate provides a sound basis for comparing the tax burden on land-based miners producing the same metals as may be recovered from the Area, and the potential tax burden on deep seabed miners under the base royalty models produced by the Massachusetts Institute of Technology. He also provided an overview of the two options shortlisted by the intersessional working group on an equalization measure.

35. The two options are:

(a) A hybrid model by which a contractor shall pay to the Authority a royalty in addition to the base royalty if it receives tax exemptions or subsidies against which sponsoring State payments are creditable or, alternatively, the contractor and its related entities pay a 25 per cent “top-up” profit share to the Authority against which all payments to States related to mining activities are creditable. The definitions of related entities and profits would be based on the global anti-base erosion model rules of the Organisation for Economic Co-operation and Development;

(b) A second model, which was developed with the assistance of the Intergovernmental Forum, requires a contractor to pay a 25 per cent additional profit share to the Authority against which sponsoring State payments are creditable.

36. The draft text for the hybrid model was included in the report of the intersessional working group on an equalization measure before the meeting of the Council in November 2023 and is also included in the suspense document. The draft text for the additional profit share model was provided in the briefing note for the meeting of the intersessional working group in August 2023, but for ease of reference is also published on the Authority’s website under the papers for thematic discussions during part 1 of the current Council session.

37. Delegations that took the floor supported the inclusion of an equalization measure in the draft regulations.

38. There was also support for including a simple provision in the draft regulations to provide for an equalization measure, with details of the preferred model for an equalization measure to be provided in a standard. Mr. Wilde suggested in his presentation that the draft text could read: “A contractor shall pay the equalization measure provided for by the equalization measure standard”.

39. However, there was no consensus on which of the two models for an equalization measure is preferred, with some delegations stating that they need to consider the two options further.

40. Among the issues on which delegations sought clarification was the treatment of subcontractors under the two models for an equalization measure. A further issue raised was how an equalization measure would apply to the Enterprise.

41. Some delegations also expressed support for an equalization measure that would address environmental externalities. However, Messrs. Wilde and Roth explained that the two models under consideration addressed the equalization of corporate taxes only and did not address environmental issues, which were the subject of a separate discussion.

42. As the hybrid model and the additional profit share model are relatively complex, Australia can facilitate further intersessional discussions on these models if delegations so wish.

VI. Report on the thematic discussion on the issue of the definition of “intangible cultural heritage”

43. On 27 March 2024, the Council held a thematic discussion on the issue of the definition of “intangible cultural heritage”. For the discussion, delegations were invited to consider the issue of “intangible” cultural heritage in connection with activities in the Area. They also received a brief recap of the intersessional work.

44. For the thematic discussion, delegations were invited to address up to three guiding questions:

(a) Should the exploitation regulations address “intangible” underwater cultural heritage?

(b) If the exploitation regulations are to address “intangible” underwater cultural heritage, should the concept be defined in the exploitation regulations and, if so, what would be an appropriate definition?

(c) Assuming that the exploitation regulations address “intangible” underwater cultural heritage, what would such regulatory language look like?

45. On the first guiding question, on whether the exploitation regulations should address “intangible” underwater cultural heritage, most delegations responded either in the affirmative or with openness to the possibility of the exploitation regulations addressing “intangible” underwater cultural heritage. A number of delegations pointed to: support in existing international law and related instruments and processes for addressing the notion of “intangible” underwater cultural heritage, including the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on Underwater Cultural Heritage of 2001 and its Convention for the Safeguarding of Intangible Cultural Heritage of 2003; the references to the traditional knowledge of Indigenous Peoples and local communities in the recently adopted Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction; as well as references in the United Nations Declaration on the Rights of Indigenous Peoples. Delegations also noted that cultural heritage is associated in various forms with the marine environment, including that of the Area, and that there are existing domestic regulatory practices that acknowledge and accommodate this, including environmental impact assessments that incorporate sociocultural dimensions.

46. It was stressed, however, that there might be a need to consider a more fundamental threshold question of whether the terminology of “underwater cultural heritage” is suitable for the exploitation regulations, given that article 149 of the United Nations Convention on the Law of the Sea refers to “objects of an archaeological and historical nature” rather than “underwater cultural heritage”. It was also stressed that it might be premature to discuss a differentiation between “tangible” and “intangible” underwater cultural heritage before addressing this fundamental threshold question.

47. Another view was expressed that even if the exploitation regulations were to use the language in article 149 of the Convention, that language would still have to be interpreted and implemented broadly, and likely in line with the concept of “underwater cultural heritage” as reflected in the UNESCO Convention of 2001.

48. On the second guiding question, on whether the concept of “intangible” underwater cultural heritage should be defined in the exploitation regulations and, if so, how, delegations that expressed openness to such a definition considered, among other matters, the UNESCO Conventions of 2001 and 2003, in particular their definitions of “underwater cultural heritage” and “intangible cultural heritage”. A number of delegations looked favourably in particular to the definition of “intangible cultural heritage” in the Convention of 2003 for a possible model for the exploitation regulations, noting that the Convention has been widely ratified. However, it was also noted that the Convention applies only to intangible cultural heritage in the territories of its States parties and might therefore not be a wholly suitable fit as a model for defining and regulating “intangible” underwater cultural heritage in the exploitation regulations.

49. Aside from the references to the UNESCO Conventions, delegations generally noted that intangible “underwater cultural heritage” typically reflects certain close cultural connections to the marine environment, in particular as expressed, practiced and passed down through generations by Indigenous Peoples and local communities in the form of traditional knowledge, origin legends, navigational techniques, oral traditions and expressions, social and religious practices and rituals, and performing arts.

50. On the third guiding question, as to what regulatory language in the exploitation regulations would look like if the regulations were to address “intangible” underwater cultural heritage, delegations presented and discussed a rich range of options. Delegations broadly expressed openness for a recent proposal by Spain on the system of protection that would be utilized when encountering underwater cultural heritage associated with activities in the Area, in particular “tangible” underwater cultural heritage such as human remains, wrecks and human-made artefacts. This system of protection would build on existing draft exploitation regulation 35 and involve notifications to and consultations with, among others, States that are origins of the encountered cultural heritage or otherwise associated with the heritage, as well as with relevant intergovernmental organizations such as UNESCO and relevant Indigenous Peoples and local communities. Such a system of protection could also apply to “tangible” underwater cultural heritage that has associated “intangible” aspects. However, for so-called “pure intangible” underwater cultural heritage that is not directly connected to physical elements of the marine environment, the proposal from the intersessional period suggested that such cultural heritage would be better addressed through the creation of particular environmental zones of interest that highlight the cultural nature of those zones. It could also be addressed through the establishment of area-based management tools under other instruments and processes, such as under the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction. Under this approach, it would be the Indigenous Peoples, local communities and other stakeholders concerned that would take the initiative to bring their proposals to the Authority or other relevant organizations.

51. A number of delegations also stressed that regulatory language on “intangible” underwater cultural heritage should be linked as much as possible to specific sites in the Area, and that there needs to be a process for establishing and verifying such a link. It was also stressed that safeguarding such heritage through regulatory language must be done in a manner that is reasonable, feasible, practical and based on broadly accepted definitions and approaches under international law.

52. A number of delegations discussed in a preliminary manner possible regulatory text, including language on the obligations on contractors to report encounters with underwater cultural heritage, or language incorporating such heritage as subjects of seabed baseline surveys and environmental impact assessments conducted by contractors, and language based on the adequacy of an application for a plan of work, in part on whether cultural rights and interests have been adequately identified by the applicant contractor.

53. A number of delegations also stressed the relevance of language on the rights of Indigenous Peoples such as free, prior and informed consent, especially as reflected in the United Nations Declaration on the Rights of Indigenous Peoples, in order to aid in safeguarding “intangible” underwater cultural heritage as well as to facilitate the full and effective participation of Indigenous Peoples in the work of the Authority on matters that affect them. A suggestion was also made to establish a committee on intangible cultural heritage in the Authority to address such heritage in a standing manner.

54. To conclude, the rapporteur recommended that the intersessional working group on underwater cultural heritage continue its work during the forthcoming intersessional period, building on the thematic discussion, and report to the Council on that work in the second part of the Council’s twenty-ninth session. Unless otherwise instructed, the Federated States of Micronesia will continue to facilitate the intersessional working group. The rapporteur thanked delegations for their interest and active engagement in the thematic discussion and the intersessional working group, and also thanked the representatives of Indigenous Peoples for contributing to the discussions.



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Statement by the President on the work of the Council of the International Seabed Authority during the second part of the twenty-ninth session

Addendum

I. Resumption of the session

1. The second part of the twenty-ninth session of the Council of the International Seabed Authority was held from 15 to 26 July 2024. The Council held six plenary meetings (319th to 324th meetings) and 14 informal meetings.

II. Report of the Secretary-General on the credentials of members of the Council

2. At the 321st meeting of the Council, on 25 July, the Secretary-General reported that, as at that date, formal credentials had been received from 35 members of the Council, and information concerning the appointment of representatives had been communicated by means of facsimile or initialled notes verbales from ministries, embassies, permanent missions to the United Nations, permanent missions to the International Seabed Authority or other Government offices or authorities.

III. Status of contracts for exploration and related matters

3. At its 323rd meeting, on 26 July, the Council took note of the following reports on the relinquishment of areas under contracts for exploration: the report on the relinquishment of 50 per cent of the area allocated to the Federal Institute for Geosciences and Natural Resources;¹ the report on the relinquishment of two thirds of the area allocated to the China Ocean Mineral Resources Research and

¹ See [ISBA/29/C/16](#).



Development Association;² and the report on the relinquishment of two thirds of the area allocated to the Japan Organization for Metals and Energy Security.³

IV. Report of the Secretary-General on the status of national legislation relating to deep seabed mining and related matters

4. At its 321st meeting, the Council took note of the report of the Secretary-General on the status of national legislation relating to deep seabed mining and related matters.⁴

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

5. At its 324th meeting, on 26 July, the Council approved the plan of work for exploration for polymetallic sulphides submitted by Earth System Science Organization-Ministry of Earth Sciences of the Government of India.⁵ The Council also took note of the report of the Legal and Technical Commission relating to an application for approval of a plan of work for exploration for cobalt rich-ferromanganese crusts by Earth System Science Organization-Ministry of Earth Sciences of the Government of India.⁶

VI. Draft regulations on exploitation of mineral resources in the Area

6. At its 319th meeting, on 15 July, the Council took up agenda item 10 on the consideration of the draft regulations on exploitation of mineral resources in the Area. All subsequent discussions on the draft regulations took place in informal meetings from 15 to 24 July, with the full participation of other members of the Authority and observers, in line with the road map approved by the Council in July 2023.⁷ The President of the Council introduced his briefing note of 3 June 2024⁸ and resumed the reading of the consolidated text of the draft regulations on exploitation of mineral resources in the Area, beginning with draft regulation 35.⁹

7. The plenary of the Council held 11 informal meetings on the President's consolidated text, from 15 to 23 July. The Council finished a first reading of the text, covering from draft regulation 35 to draft regulation 107. On 15 July, a thematic discussion on equalization measures was held, with the delegation of Australia acting as rapporteur. On 19 July, a thematic discussion on underwater cultural heritage was held, with the delegation of the Federated States of Micronesia acting as rapporteur. On 22 July, the Informal Working Group on Institutional Matters held its eighth meeting; the topic for discussion was effective control. On 24 July, the Informal Working Group on the Protection and Preservation of the Marine Environment held its eighth meeting, with two topics for discussion: environmental impact assessments

² See [ISBA/29/C/17](#).

³ See [ISBA/29/C/18](#).

⁴ See [ISBA/29/C/13](#).

⁵ See [ISBA/29/C/14](#) and [ISBA/29/C/L.4](#).

⁶ See [ISBA/29/C/19](#).

⁷ See [ISBA/28/C/24](#) and [ISBA/28/C/25](#).

⁸ See www.isa.org.jm/wp-content/uploads/2024/06/The-Presidents-Briefing-note-for-2nd-part-twenty-ninth-session.pdf.

⁹ See [ISBA/29/C/CRP.1](#).

and environmental impact statements and environmental management and monitoring.

8. At its 323rd meeting, the Council took note of all oral reports by the facilitators and rapporteurs (see annex I).

9. At the same meeting, the Council took note of a list of the intersessional work for the remainder of the twenty-ninth session (see annex II), prepared by the President. It was agreed that the deadline for the submission of proposals by the intersessional working group would be 1 November 2024.

10. At the 323rd and 324th meetings, the President introduced a revised road map (see annex III), to guide the work of the Council during the thirtieth session in 2025, on the draft regulations for the exploitation of mineral resources in the Area and on the associated standards and guidelines. It was agreed that the deadline for submission of national written proposals would be 23 September 2024. The President will provide a revised consolidated text by the end of November 2024.

VII. Report of the Secretary-General on the implementation of the decision of the Council in 2023 relating to the reports of the Chair of the Legal and Technical Commission

11. At its 321st meeting, the Council took note of the report of the Secretary-General on the implementation of the decision of the Council in 2023 relating to the reports of the Chair of the Legal and Technical Commission.¹⁰

12. Some participants praised the side event hosted by the Legal and Technical Commission on 15 July 2024 as a positive step towards increased transparency. Several delegations emphasized the need for greater transparency and accountability concerning contractors, calling for the disclosure of those who had failed to submit complete or adequate reports or did not respond to the Council's requests. The aims of such disclosure would be to enhance transparency and to ensure that contractors were held accountable for their contractual obligations. Participants highlighted the importance of contractors fulfilling their commitments to training and capacity-building, especially for developing countries. They requested updates on the implementation of such commitments, noting that capacity-building was a crucial element for developing countries and a contractual requirement. The training session on data management held in June 2024 received praise from participants, who acknowledged its value in enhancing the skills of participants from developing countries. However, the challenge of insufficient funds in the voluntary trust fund for the participation of developing countries in Commission meetings was also recognized. Participants emphasized the need to address the funding issue to ensure equitable participation of developing countries.

VIII. Report of the interim Director General of the Enterprise

13. At its 321st meeting, the Council took note of the report of the interim Director General of the Enterprise, Eden Charles.

14. Participants expressed strong support for the ongoing activities and direction of the Enterprise, commending the efforts of the interim Director General and affirming their commitment to continued collaboration and fruitful exchanges. Participants emphasized the vital role of the Enterprise in facilitating the participation of

¹⁰ See [ISBA/29/C/15](#).

developing States in exploration activities, noting that that function was crucial for ensuring equitable exploration and participation. Concerns were raised, however, about the lack of progress towards establishing joint projects that would allow the Enterprise to operate independently from the Authority. Joint projects were viewed as essential for equitable benefit-sharing. Participants also requested an assessment of the feasibility of creating such a joint enterprise in the short or medium term.

IX. Report of the Chair of the Legal and Technical Commission

15. At the 320th meeting, on 18 July, the Chair of the Legal and Technical Commission, Erasmo Lara Cabrera (Mexico), delivered an oral report on the work of the Commission at the second part of its twenty-ninth session (1 to 12 July).¹¹

16. Delegations expressed strong support for the Commission's work. Several delegations commented on specific items. With regard to the contractors' training programmes, many delegations expressed satisfaction with the number of training positions offered and with the efforts made by the secretariat to increase the number of women who qualified for training programmes. The launch of the International Seabed Authority Capacity Development Alumni Network was also commended. Some delegations noted the progress that had been made by the Commission in addressing potential cases of non-compliance by contractors. Several delegations made preliminary comments on the draft standardized procedure for the development, review and approval of regional environmental management plans. It was suggested that a discussion could be held on the legal nature of that document. Many delegations also stressed the importance of the work of the environmental threshold value group and encouraged further progress. They expressed appreciation for the meticulous work done by the Commission and acknowledged the importance of its efforts in enhancing environmental protection measures.

17. In response to the comments raised, the Chair of the Commission noted that, in relation to the process of identification of potential cases of non-compliance by contractors, a significant amount of work had been achieved and that a balanced assessment procedure had been developed. He welcomed the number of positive reactions to the development of the different documents pertaining to regional environmental management plans. He addressed comments on annual reports by contractors, noting that significant work had been done. Positive reactions to the work on regional environmental management plans were noted. The Chair highlighted the inclusion, in the annex to the report, of a rationale for comments on the standardized procedure, which contained an explanation as to why some comments were not taken into consideration. The Secretary-General concluded the discussion by thanking the Commission for the work accomplished and called upon all members of the Authority to contribute to the voluntary trust fund, while noting that the vast majority of the Commission's members had been able to attend and participate in its meetings.

18. At its 324th meeting, the Council took note of the Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its twenty-ninth session.¹²

19. At the same meeting, the Council also discussed the draft revised standardized procedure for the development, establishment and review of regional environmental management plans.¹³ Delegations expressed hope that those tools could be developed and implemented as soon as possible. Some delegations suggested specific amendments

¹¹ See [ISBA/29/C/7/Add.1](#).

¹² See [ISBA/29/C/7/Add.1](#).

¹³ See [ISBA/29/C/10](#).

to the purpose and binding nature of regional environmental management plans to ensure that they were effectively integrated into regulatory frameworks and that they provided clear, enforceable guidelines for environmental management. Participants also highlighted the need for improved collaboration with contractors in the development and implementation of regional environmental management plans. They emphasized that better cooperation between the Authority, contractors and other stakeholders would lead to more comprehensive and effective environmental management plans. The Council, following consultation among concerned parties, eventually agreed to submit additional comments to the Commission with a view to further refining the revised draft accordingly.

20. Also at the same meeting, the Council adopted a decision on the reports of the Chair of the Legal and Technical Commission.

X. Report of the Finance Committee; budget of the International Seabed Authority; and adoption of the scale of assessment for contributions to the budget of the International Seabed Authority for the financial period 2025–2026

21. At its 321st and 322nd meetings, on 25 July, and 323rd and 324th meetings, on 26 July, the Council jointly considered agenda item 15, report of the Finance Committee;¹⁴ agenda item 16, budget of the International Seabed Authority;¹⁵ and agenda item 17, adoption of the scale of assessment for contributions to the budget of the International Seabed Authority for the financial period 2025–2026.

22. At the 321st and 322nd meetings, the Chair of the Finance Committee, Khurshed Alam (Bangladesh), presented the report of the Committee on its work during the twenty-ninth session (10 to 12 July). The Council took note of the report.

23. Some participants voiced concerns about decreases in the programme budget, noting that those decreases compromised the ability of the Authority to deliver on its obligations. Other participants supported the zero nominal growth approach reflected in the revised proposed budget. Some delegations expressed concern over the late submission of the report of the Committee, and one delegation asked for specific documents to be provided, including a report on travel for the current budget cycle and revisions to the audit statement. Some delegations supported the recommendation by the Committee that the Council and the Assembly consider the issue of the payment of financial contributions by observers.

24. The Chair of the Finance Committee noted that the budget proposal had been uploaded on 18 April, 76 days prior to the discussion, and that delays in uploading the report of the Committee were due to translation and editing issues. In response to questions about benefit-sharing, the Chair referred to the discussions on options in the Finance Committee, which were still ongoing. The Secretary-General indicated that he was satisfied with the revised budget proposal and would implement the recommendations of the Committee without delay.

25. At its 324th meeting, the Council adopted a decision relating to the budget of the International Seabed Authority for the financial period 2025–2026 and related matters.

¹⁴ See [ISBA/29/A/9–ISBA/29/C/20](#).

¹⁵ See [ISBA/29/A/3–ISBA/29/C/11](#) and [ISBA/29/C/L.2](#).

XI. Proposal to the Assembly of the list of candidates for the election of the Secretary-General

26. At its 324th meeting, the Council adopted a decision concerning the candidates for the election of the Secretary-General.¹⁶

XII. Dates of the next session

27. The first part of the thirtieth session of the Council will be held from 17 to 28 March 2025, and the second part from 7 to 18 July 2025.

¹⁶ See [ISBA/29/C/22](#).

Annex I

Reports on progress made by the working groups

I. Oral report delivered by the rapporteur of the intersessional working group concerning the thematic discussions on an equalization measure, Robyn Frost (Australia)

1. On 15 July, the Council held another thematic discussion on an equalization measure as part of the financial terms of contracts, in an informal setting.

2. Daniel Wilde of the Commonwealth Secretariat provided expert input to the discussions. On behalf of those who participated in the discussion, the rapporteur thanked him for his continued assistance.

3. Mr. Wilde gave a presentation summarizing the thematic discussion on an equalization measure held at the Council's meeting in March and the additional discussions held during the meetings of the intersessional working group on an equalization measure in June. His presentation is available on the website of the International Seabed Authority.

4. Mr. Wilde also provided an overview of the textual proposal submitted by Australia on behalf of the intersessional working group on an equalization measure. The proposal contained text for a draft regulation 64 bis, with an annex containing draft text for an equalization measure standard. The text for the two options shortlisted by the intersessional working group was set out in the draft equalization measure standard. That text incorporated the drafting suggestions made by participants in the intersessional working group.

5. The two options are:

(a) A hybrid model by which a contractor that receives tax exemptions or subsidies shall pay an additional royalty to the Authority, against which payments to the sponsoring State would be creditable, or, alternatively, if a contractor does not receive tax exemptions or subsidies, it shall pay a 25 per cent "top-up" profit share to the Authority on the profits of the contractor and all related entities engaged in mining activities, against which covered taxes to all States by all related entities engaged in mining activities would be creditable. The definitions of related entities, profits and covered taxes would be based on the global anti-base erosion model rules of the Organisation for Economic Co-operation and Development to the greatest extent possible;

(b) A profit-share model, developed with the assistance of the Intergovernmental Forum on Mining, Minerals and Sustainable Development, which requires a contractor to pay a 25 per cent additional profit share on its profits to the Authority, against which its payments to the sponsoring State are creditable.

6. A number of questions were raised by delegations, including the following:

- How would an equalization measure be applied to different types of contractors, including contractors directly controlled by a State party and State-owned enterprises?
- Would an equalization measure be applied to the Enterprise, given the provisions of article 10 of annex IV to the Convention?
- How would an equalization measure be applied to joint ventures with the Enterprise?

- Which of the two options would provide for greater transparency regarding the relationship between a sponsoring State and a contractor?
- What types of subsidies and tax exemptions would be covered, given the provisions in section 6 of the annex to the Agreement relating to the Implementation of Part XI of the Convention?
- Would it be possible to provide some practical examples of how the two options would operate?

7. In response to the question of which of the two options would allow for greater transparency, the relative simplicity of the second option, compared with the first, might provide greater transparency, as it would be simpler for member States' administrations and contractors to understand and for the Authority to administer.

8. All delegations agreed on the necessity of an equalization measure, with the inclusion of a relatively simple provision in the regulations, and details for the equalization measure to be included in a standard. However, there was no consensus on a preferred model.

9. Some delegations expressed a preference for the first option because, even though it was more complex, it provided for comprehensive revenue capture, disincentivized tax avoidance and profit-shifting and was based on established fiscal instruments.

10. Other delegations expressed a preference for the second option, mainly on the grounds that it would be simpler for contractors and member States to understand and for the Authority to administer. It was also noted that the second option was similar to the taxation regimes applied in many land-based mining countries.

11. Some delegations also noted the possibility of reviewing the equalization measure in the future as part of a review of the system of payments and in the light of the experience gained.

12. The delegation of Australia offered to facilitate intersessional meetings to further discuss the questions raised.

13. One meeting could be focused on issues surrounding the application of an equalization measure to different types of contractors, including whether or how it would be applied to the Enterprise and to joint ventures with the Enterprise.

14. At a second meeting, participants could further consider issues surrounding subsidies, tax exemptions and the calculation of profits, particularly with regard to the first option. Also at that meeting, they could consider the definition of relevant activities, i.e. activities within the mining perimeter, for the purposes of the first option.

II. Oral report delivered by the rapporteur of the intersessional working group concerning the thematic discussions on underwater cultural heritage, Clement Yow Mulalap (Federated States of Micronesia)

15. On 19 July, the Council held a thematic discussion on underwater cultural heritage during the second part of the twenty-ninth session of the International Seabed Authority. The thematic discussion was held in two parts: one in the main conference room, lasting about an hour and a half, and one in a separate conference room during the lunch period. The thematic discussion was focused on two guiding questions:

(a) Was the material scope of draft regulation on exploitation 35 sufficient, and were the procedural steps identified therein sufficient to deal with whatever that material scope might be?

(b) How should the issue of intangible underwater cultural heritage be addressed in the regulations on exploitation and other aspects of the mining code, especially beyond draft regulation 35, including with respect to “pure intangible” underwater cultural heritage?

16. Delegations also had before them several non-papers from Spain and from select representatives of Indigenous Peoples and local communities from the Pacific, which addressed tangible and intangible elements of underwater cultural heritage.

17. Delegations generally expressed support for addressing underwater cultural heritage in some substantive form in the regulations on exploitation and associated standards and guidelines, inclusive of both tangible and intangible aspects. On that basis, delegations engaged with the version of draft regulation 35 in the consolidated draft text as well as with a set of proposals for revising the draft regulation, which had been submitted by Spain in its latest non-paper on the matter, while keeping in mind the relevant provisions of the Convention, including article 149. A number of delegations indicated that draft regulation 35 should focus primarily on the actions that actors would be required to take when encountering tangible underwater cultural heritage in the Area, particularly human remains and archaeological or historical objects and sites. In that connection, those delegations had several comments on the current version of draft regulation 35 as well as on the proposal by Spain in their latest non-paper, particularly with regard to the requirements for notification by the Contractor to the Secretary-General of the Authority and for notification by the Secretary-General to all States, the Director General of the United Nations Educational, Scientific and Cultural Organization, other intergovernmental organizations and other stakeholders; the review and decision-making process of the Council of the Authority in response to the notifications and views expressed in the notifications process, including the views of those States with preferential rights under article 149; and potential measures that would have to be implemented at different points of the process, including temporary cessation and permanent termination of activities, as appropriate. Various views were expressed about what would constitute a “reasonable” radius for the imposition of measures in the event of an encounter with tangible underwater cultural heritage, how to address wrecks of sovereign immune vessels encountered in the Area, whether to compensate an affected contractor and whether some sort of committee or similar “interested group” should be established as the forum for collecting responses to the notifications from the Secretary-General of the International Seabed Authority under draft regulation 35.

18. While many delegations focused on draft regulation 35 as the basis for regulating encounters with tangible underwater cultural heritage, views were expressed that there might be a need to also regulate matters relating to tangible underwater cultural heritage in other regulations on exploitation pertaining to processes and actions by contractors prior to encounters during exploitation activities in the Area. Those other processes and actions included surveys of the Area by contractors as part of their development of environmental impact statements and other environmental documents, plans and policies required under the regulations on exploitation.

19. A view was expressed that draft regulation 35 should not be limited to encounters with tangible underwater cultural heritage but should regulate encounters with intangible underwater cultural heritage as well. It was noted that distinguishing between tangible and intangible elements of underwater cultural heritage was challenging because certain cultural and other similar values that were sometimes

classified as being intangible were still connected to or emerged from tangible aspects of the environment in some manner. Another view expressed was that the proper way to deal with intangible underwater cultural heritage was through protective measures adopted before activities began in a particular part of the Area, such as cultural heritage management plans, as well as through comprehensive consultation processes for the development of environmental impact statements and other major environmental documents, plans and policies required under the regulations on exploitation, wherein such consultation processes involved Indigenous Peoples and local communities and their views to the fullest extent possible. Another view expressed was that intangible underwater cultural heritage could be captured best through the inclusion of references to the relevant traditional knowledge of Indigenous Peoples and of local communities throughout the regulations on exploitation, including those pertaining to stakeholder consultations and the development of environmental impact statements and other environmental documents, plans and policies required under the regulations on exploitation.

20. Delegations also engaged with proposals for the establishment of a committee on intangible underwater cultural heritage and for the recognition and upholding of all relevant rights of holders of traditional knowledge referenced in the regulations on exploitation, including, in particular, the right of the holders of such knowledge to free, prior and informed consent. A number of delegations expressed openness to the proposed committee, pending further discussion on the potential scope, composition and placement of the committee within the overall regulations. It was stressed that the committee would be a key forum for ensuring that the voices and views of Indigenous Peoples and of local communities would be heard and addressed by the Authority in connection with activities in the Area, particularly with respect to intangible underwater cultural heritage. A number of delegations, however, expressed caution about establishing such a committee, noting, among other concerns, the general issue of having a multiplicity of new bodies created by the regulations on exploitation, as well as the specific concern that establishing a committee focused on intangible underwater cultural heritage might have the unintended effect of minimizing the importance of such heritage. With respect to the rights of holders of relevant traditional knowledge, references were made to the United Nations Declaration on the Rights of Indigenous Peoples, to language contained in the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction and other relevant instruments and to other sources of international human rights law. A view was also expressed on the appropriateness of recognizing collective rights, as opposed to rights held by individuals.

21. Lastly, delegations engaged on the issue of possible definitions for tangible and intangible underwater cultural heritage. Several delegations expressed support for defining tangible and intangible underwater cultural heritage in the regulations on exploitation and indicated an openness to using relevant definitions from the Convention on the Protection of the Underwater Cultural Heritage and the Convention for the Safeguarding of the Intangible Cultural Heritage. Other views expressed, however, cautioned against using one or both of those conventions as the basis for the definitions, and questions were raised regarding whether it would be appropriate to define underwater cultural heritage in any manner at all in the regulations on exploitation. A view was also expressed that perhaps the Authority could conduct a technical study on the matter of underwater cultural heritage in the Area.

22. In terms of next steps, the rapporteur recommended that the intersessional working group on underwater cultural heritage continue during the intersessional period. The delegation of the Federated States of Micronesia could continue to facilitate the intersessional working group, if so requested. The rapporteur also

recommended that the facilitator of the intersessional working group put together a comprehensive set of draft textual proposals on underwater cultural heritage, covering tangible and intangible elements, and with the relevant language reflected in not just draft regulation 35 but also in other draft regulations of relevance to the matter and in potential standards and guidelines. The draft textual proposals should reflect, as much as possible, the written and oral inputs of delegations from the thematic discussion and the previous intersessional periods, the informal discussions of the Council plenary held in recent weeks and written inputs from delegations to be submitted to the facilitator over the coming weeks. The draft textual proposals from the facilitator would likely reflect alternatives where, in the facilitator's view, delegations still had divergent views on certain elements. The facilitator would present the comprehensive set of draft textual proposals to the intersessional working group for its consideration. The rapporteur recommended that the intersessional working group and its facilitator proceed on this basis, unless otherwise requested by the Council.

23. To conclude, the rapporteur thanked all delegations that had participated actively and with great interest in the discussions on underwater cultural heritage to date. He encouraged all delegations to continue that level of engagement. As indicated by the delegation of Singapore during the thematic discussion, the task ahead was difficult but not impossible, and, as indicated by the delegation of Thyssen-Bornemisza Art Contemporary, the questions raised were difficult to address, but doing so would be invaluable. The rapporteur agreed with those views and looked forward to working with all interested delegations in that spirit moving forward.

III. Oral report delivered by the co-facilitators of the Informal Working Group on Institutional Matters, Gina Guillén-Grillo (Costa Rica) and Salvador Vega Telias (Chile)

[Original: Spanish]

24. The Informal Working Group on Institutional Matters met on the morning of 22 July 2024. The topic of discussion was effective control. At the start of the meeting, the co-facilitators made a presentation on effective control, where they described the various associated topics and the current status of the discussions.

25. They then examined the implications of effective control and the various interpretations, including a review of articles 139 (1) and 153 (2) (b) of the Convention and annex III, articles 4 (3) and 9 (4), and the Advisory Opinion on Responsibilities and Obligations of States Sponsoring Persons and Entities with respect to Activities in the Area (ITLOS case No. 17, 1 February 2011). They pointed out that it was increasingly important for the Council to move forward in making a proactive and informed decision on the application of effective control with respect to exploitation activities. They noted that, in general, there were two different approaches in the context of State sponsorship of contractors in the exploitation regime, namely the "regulatory control approach" and the "economic control approach".

26. To provide background for the discussion, the co-facilitators presented questions concerning the current interpretation of effective control, how to avoid monopolization and how to ensure that reserved areas truly benefit developing countries. They then opened the floor for statements by delegations and observers.

27. The delegations welcomed the co-facilitators' presentation and the non-paper by the Kingdom of the Netherlands on parent company liability statements, which could provide a sufficient legal basis in the draft exploitation regulations and in the exploitation contract for ensuring that parent companies of contractors are jointly and

severally liable to the Authority for any damage caused by a contractor and for which the contractor is responsible. Some delegations also welcomed the non-paper by Nauru on State sponsorship of activities in the Area and the interpretation of effective control requirements.

28. With respect to the different approaches concerning effective control, some delegations supported the regulatory control approach as the one that should be continued with respect to exploitation regulations. Other delegations indicated a preference for the economic control approach for this new step. Several delegations suggested exploring a hybrid approach, where elements of the economic control approach would be incorporated into the regulatory control approach. One delegation suggested that some guidelines on the broad outlines of what would be required with respect to effective control could be useful and beneficial.

29. The co-facilitators thanked all the delegations and observers for their active participation. The co-facilitators noted that there was a consensus as to the importance of the issue, which needed to be resolved, including the importance of regulatory compliance when a liability or monopoly case might arise. At the conclusion of the meeting, the co-facilitators indicated that work would continue to be undertaken on the issue during the intersessional period. They called on delegations that would like to participate in the work to inform the secretariat accordingly and to also submit any written statement on the questions asked, and any other issues they may wish to raise.

IV. Oral report delivered by the facilitator of the Informal Working Group on the Protection and Preservation of the Marine Environment, Raijeli Taga (Fiji)

30. The meeting of the Informal Working Group was held on 24 July. The facilitator's briefing paper, issued on 26 June, had outlined the proposed work of the group.¹

31. During the morning of 24 July, the topic under discussion was environmental impact assessments and environmental impact statements. Delegations and observers were reminded of the work completed during the first part of the twenty-ninth session to allocate regulations pertaining to environmental impact assessments to appropriate and logical locations within the draft regulations on exploitation, annexes, standards and guidelines.

32. Proponents of a joint text proposal, co-led by the delegations of the Kingdom of the Netherlands and of the United Kingdom of Great Britain and Northern Ireland, presented their intersessional work and joint proposals on the restructuring of the environmental impact assessment and impact statement.² Proponents of the joint text proposal were particularly focused on usability and streamlining, and, among other points, they presented a streamlined version of annex IV, asking the group to consider whether the annex should be reworded as a list of requirements instead of retaining the existing section by section structure. They also raised questions regarding whether text removed from the consolidated draft regulations should be placed in standards or guidelines and whether a proposed template should be recommendatory or prescriptive. The proponents of the joint text proposal reported that they had completed their work for consideration by the Council.

¹ See <https://www.isa.org.jm/wp-content/uploads/2024/06/Briefing-paper-on-environmental-topics.pdf>.

² See <https://www.isa.org.jm/wp-content/uploads/2024/07/Joint-text-proposal-EIA-EIS-restructure-July-2024.pdf>.

33. A general discussion was then held on the proposed restructuring and the questions raised by the proponents of the joint text proposal. Many delegations welcomed the intersessional work. Several delegations were generally in support of the joint text proposal and the restructuring and considered that it would enhance the future proofing of the regulations on exploitation. With respect to the structure of annex IV, divergent views were expressed; some delegations supported the proposal to revert annex IV to a list of requirements, as that format would be practical and functional.

34. Subsequently there was a general discussion on removing text from the consolidated draft regulations and adding it to standards or guidelines. Participants also discussed whether the suggested template should be recommendatory or prescriptive in nature. Several delegations suggested that all (or almost all) content removed from the draft regulations on exploitation should be included in the standards. Another delegation proposed that the delegations should hold off on making that decision until the wording of the template was in place.

35. After the general discussion on the structure of environmental impact assessments and environmental impact statements, delegations and observers proceeded with a reading of part IV, section 2, draft regulation 46, concerning the environmental impact assessment.

36. In the afternoon of 24 July, the meeting continued with discussions on environmental management and monitoring. The facilitator reminded delegations and observers of the suggestion made regarding streamlining the regulations pertaining to environmental monitoring and the environmental management and monitoring plan with a view to ensuring increased readability, avoiding duplication and, lastly, bringing greater consistency with the refined structure of the environmental impact assessment and impact statement in section 2 of part IV of the consolidated text.

37. The delegation of Norway presented its proposal on the insertion of a new section 3 in part IV of the text and the restructuring of the regulations on environmental management and monitoring. The delegation also presented a joint proposal for refining section 3 that had been developed in the intersessional period. A general discussion on the proposed restructuring was then held, and the proposal was warmly welcomed by delegations and observers as a solid foundation for future work. The delegation of Norway offered to continue intersessional work to replace and update the content of section 3 as well, which was also welcomed by delegations and observers.

38. After the general discussion of the proposed restructuring of the section concerning the regulations on environmental management and monitoring, a reading of draft regulations 49–52 was conducted.

39. In closing the meeting, the facilitator invited delegations to inform the secretariat of their interest in participating in further intersessional work on environmental management and monitoring. They were also encouraged to submit written proposals on the various subjects discussed during the session. The deadline for written submissions was set for 23 September 2024.

40. Lastly, the facilitator thanked all delegations and observers for their contributions to the consolidated text and clarifying the way forward. The facilitator also thanked the secretariat and meeting service personnel.

Annex II

List of intersessional work for the remainder of the twenty-ninth session

<i>Group no.</i>	<i>Focus</i>	<i>Coordinator</i>
1.	Effective control <i>(Cross-cutting)</i>	Costa Rica and Chile
2.	Independent compliance and enforcement mechanism <i>(Draft regulation 102)</i>	Norway
3.	Equalization measure <i>(Draft regulation 64 bis and draft equalization standard)</i>	Australia
4.	Rights and interests of coastal States <i>(Cross-cutting and draft regulation 93 ter)</i>	Portugal
5.	Underwater cultural heritage <i>(Cross-cutting and draft regulation 35)</i>	Micronesia (Federated States of)
6.	Environmental management and monitoring <i>(Section 3 of part IV, draft regulations 49–52 and annex VII)</i>	Norway
7.	Test mining <i>(Draft regulation 48 ter)</i>	Germany
8.	Closure plans <i>(Part VI, draft regulations 59–61)</i>	Fiji

Annex III

Road map for the thirtieth session of the Council of the International Seabed Authority (2025)

The following road map has been prepared by the President of the Council and endorsed by the Council for the organization of its discussions in 2025 on the draft regulations on exploitation of mineral resources in the Area and on the associated standards and guidelines. The road map takes into account the progress made in the implementation of the road map for work on the draft regulations in 2023 and 2024 (ISBA/28/C/24), as well as the discussions on that matter held by the Council in the second part of its twenty-ninth session in July 2024.

<i>Organ</i>	<i>Date</i>	<i>Working methods relating to draft regulations</i>	<i>Tentative agenda</i>
Council (intersessional work between delegations as required)			
The deadline for general submission of comments on the President's revised consolidated text is 23 September 2024.			
The deadline for submission of joint proposals from the intersessional working groups is 1 November 2024.			
The revised consolidated text and submissions are to be posted on the website in late November 2024.			
<i>First part of the thirtieth session (3–28 March 2025)</i>			
Legal and Technical Commission	3–14 March 2025 (10 days)		
Council	17–28 March 2025 (10 days)	Formal meetings (2 days)	Standing items and items on the agenda requiring decisions by the Council
		Council, in plenary (7.5 days)	<ul style="list-style-type: none"> • Negotiations on the revised consolidated text • Thematic discussions with rapporteurs, as appropriate • Reports to the President by facilitators and rapporteurs • Review of the progress on the draft regulations • High-level discussions on standards and guidelines
		Formal meeting (0.5 days)	

<i>Organ</i>	<i>Date</i>	<i>Working methods relating to draft regulations</i>	<i>Tentative agenda</i>
Council (intersessional work between delegations as required)			
<i>Second part of the thirtieth session (23 June–18 July 2025)</i>			
Legal and Technical Commission	23 June–4 July 2025 (10 days)		
Finance Committee	2–4 July 2025 (3 days)		
Council	7–18 July 2025 (10 days)	Formal meetings (2 days)	Standing items and items on the agenda requiring decisions by the Council
		Council, in plenary	Agenda to be agreed on the basis of the outcomes of the first part of the thirtieth session in March 2025
		Formal meeting	Adoption of regulations (if ready for adoption)



Council

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Agenda item 9

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

Report and recommendations of the Legal and Technical Commission to the Council of the International Seabed Authority relating to an application for approval of a plan of work for exploration for polymetallic sulphides by the Earth System Science Organization–Ministry of Earth Sciences of the Government of India

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 polymetallic sulphides along the Carlsberg Ridge in the Indian Ocean. The application was submitted, pursuant to the regulations on prospecting and exploration for polymetallic sulphides in the Area ([ISBA/16/A/12/Rev.1](#), annex), by the Earth System Science Organization (ESSO)-Ministry of Earth Sciences of the Government of India.
2. On the same date, 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, held from 4 to 15 March 2024.

II. Methodology and consideration of the application by the Legal and Technical Commission

A. General methodology applied by the Commission in consideration of the application

3. In its consideration of the application, the Commission noted that, in keeping with the provisions of article 6 of annex III to the United Nations Convention on the Law of the Sea, and paragraph 3 of regulation 23, it was first required to make an



objective determination as to whether the applicant had fulfilled the requirements contained in the regulations, in particular with respect to the form of the application; whether the applicant had given the undertakings and assurances specified in regulation 15; possessed the financial and technical capabilities to carry out the proposed plan of work for exploration and had provided details as to its ability to comply promptly with emergency orders; and, as relevant, had satisfactorily discharged its obligations in relation to any previous contract with the Authority. The Commission was then required to determine, in accordance with regulation 23, paragraph 4, and its procedures, whether the proposed plan of work would provide for effective protection of human health and safety and effective protection and preservation of the marine environment, and ensure that installations would not be established where interference might be caused to the use of recognized sea lanes essential to international navigation or in areas of intense fishing activity. In its paragraph 5, regulation 23 also provides that, if the Commission makes the determinations specified in its paragraph 3 and determines that the proposed plan of work for exploration meets the requirements of its paragraph 4, the Commission shall recommend approval of the plan of work for exploration to the Council.

4. In considering the proposed plan of work for exploration for polymetallic sulphides, the Commission took into account the principles, policies and objectives relating to activities in the Area, as provided for in part XI of annex III to the Convention and in the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.

B. Consideration of the application

5. The Commission considered the application during the first and second parts of the twenty-ninth session, on 5 and 6 March and 3, 4, 10 and 11 July 2024. It evaluated the application in accordance with the procedure contained in document [ISBA/18/LTC/8/Rev.1](#).

6. On 5 March 2024, the Commission invited the applicant to make a presentation on the application. Members of the Commission then asked questions to obtain clarification on certain aspects of the application. The Commission evaluated the legal, financial, geological, technological, environmental and training aspects of the application.

7. On 7 March 2024, the Commission sent a set of written comments and questions to the applicant. Written responses were sent to the Commission by the applicant on 24 May. The Commission considered those responses on 24 May. The Commission also considered the responses on 2, 3 and 4 July and sent a further list of questions to the applicant on 6 July. On 10 July, the Commission received responses to the questions from the applicant and reviewed them.

III. Summary of basic information regarding the application

A. Identification of the applicant

8. Name of applicant: Earth System Science Organization (ESSO)-Ministry of Earth Sciences, Government of India.

9. Address of the applicant:

(a) Street address: Ministry of Earth Sciences, Prithvi Bhavan, Lodi Road, New Delhi-110003, India;

- (b) Postal address: same as above;
 - (c) Telephone number: +91-11-24629771/24629772;
 - (d) Fax number: +91-11-24629777.
10. Email address: secretary@moes.gov.in.
11. Name of applicant's designated representative:
- (a) Dr. M. Ravichandran;
 - (b) Street address: same as above;
 - (c) Postal address: same as above;
 - (d) Telephone number: same as above;
 - (e) Fax number: same as above;
 - (f) Email address: same as above.
12. As a juridical person, the applicant's details are:
- (a) Place of registration: not applicable;
 - (b) Principal place of business/domicile: not applicable.

B. Sponsorship

13. The sponsoring State is India.
14. The date of deposit by India of its instrument of ratification of the Convention and the date of consent to be bound by the 1994 Agreement is 29 June 1995.

C. Area of application

15. The total application area covers 10,000 km², located in the Central Indian Ocean, and consists of 100 blocks, each 10 km by 10 km, with none exceeding 100 km² in area. The blocks are organized and grouped into 11 clusters, each containing from 5 to 18 blocks. The application area covering the 11 clusters is enveloped within a rectangular area not exceeding 300,000 km² in size, where the longest side does not exceed 1,000 km in length. The coordinates and general location of the area under application are shown in the annexes to the present document.
16. A breakdown of the clusters and the number of blocks contained in each cluster is as follows: cluster A: 18 blocks; cluster B: 15 blocks; cluster C: 8 blocks; cluster D: 7 blocks; cluster E: 16 blocks; cluster F: 5 blocks; cluster G: 5 blocks; cluster H: 6 blocks; cluster I: 5 blocks; cluster J: 7 blocks; and cluster K: 8 blocks.
17. The application area is a part of the Area and lies beyond the limits of the national jurisdiction of any State.
18. The Commission notes that the area of the application does not overlap with existing contract areas.
19. The Commission also notes that the applicant will ensure that it will not establish any installations where interference may be caused to the use of recognized sea lanes essential to international navigation or in areas of intense fishing activity.

D. Other information

20. The applicant provided the written undertakings signed by its designated representative, in compliance with regulation 15.
21. The applicant elected to offer an equity interest in a joint venture arrangement with the Enterprise, in accordance with regulation 19.
22. The applicant paid a fee of \$500,000, in accordance with regulation 21, paragraph 1.

IV. Examination of information and technical data submitted by the applicant

23. The following technical documents and information were submitted by the applicant:
- (a) Information relating to the area under application:
 - (i) Charts of the location of the blocks;
 - (ii) A list of the coordinates of the corners of blocks under application, in accordance with the World Geodetic System 1984;
 - (b) Information to enable the Council to determine whether the applicant is financially capable of carrying out the proposed plan of work for exploration;
 - (c) Information to enable the Council to determine whether the applicant is technically capable of carrying out the proposed plan of work for exploration;
 - (d) A plan of work for exploration;
 - (e) Information relating to training;
 - (f) Written undertakings by the applicant.

V. Consideration of financial and technical qualifications of the applicant**A. Financial capability**

24. The applicant submitted a statement by the Government of India, signed by its designated representative, certifying that the applicant has the financial resources necessary to meet the estimated costs of the proposed plan of work for exploration and to fulfil its financial obligation to the Authority in accordance with regulation 13, paragraph 3.

B. Technical capability

25. In evaluating the technical capability of the applicant, the Commission took note of information provided by the applicant in relation to its marine expertise over the past 40 years, including the implementation of extensive marine exploration programmes, deep ocean research, environmental research, exploration for marine mineral resources and technology development. In addition, the applicant provided a description of key activities undertaken in deep-sea-related surveys, exploration, and scientific and environmental studies. The applicant also provided details of its technical capabilities and achievements under its two contracts with the Authority.

The first contract was signed in 2002 for exploration for polymetallic nodules in the Central Indian Ocean Basin. The second contract was signed in 2016 for exploration for polymetallic sulphides in the Central Indian and South-west Indian Ridges. The nodal agency for the first contract is the National Centre for Polar and Ocean Research and the nodal agency for the second contract is the National Institute of Ocean Technology, both within the Ministry of Earth Sciences of the Government of India.

1. General description of equipment and methods

26. The applicant provided information regarding the planned operation to carry out the proposed plan of work for exploration, as well as on the methods and instruments to be used for that purpose, including a detailed list of equipment to be used for the first five-year programme of activities. The applicant informed the Commission that it would use such equipment as:

(a) Three fully equipped vessels owned by India: *ORV Sagar Kanya*, *R/V Sagar Nidhi* and *R/V Sindhu Sadhana*. In addition, the applicant plans to procure an additional high sea vessel equipped with state-of-the-art facilities to supplement the survey and exploration efforts for polymetallic sulphides in the proposed exploration area;

(b) Multibeam echo sounder: to conduct bathymetric surveys of the seabed in the exploration area;

(c) Bottom/sub-bottom profiler system (without use of explosives): acoustic data are to be used to study the thickness and physical characteristics of subsurface sediment;

(d) Conductivity, temperature and depth sampler/clean conductivity, temperature and depth sampler, with water sampler: to determine essential physical properties of the seawater;

(e) Miniature autonomous plume recorder: to collect hydrothermal plume data (suspended particle concentrations). Such recorders especially target operations where hydrothermal plume data are not normally collected: rock cores, dredges or deep-towed geophysical and bottom imaging;

(f) Grab/corer systems: for rock/sediment sampling to study the mineralization process and benthic and microbial fauna;

(g) Remotely operated vehicle: equipped with multifunctional tools, sensors and camera/video systems that transfer video images via fibre-optic cable to the vessel. The remotely operated vehicle is planned to be used for image data collection, ground truthing, precise small-scale sampling and, in particular, direct sampling of hydrothermal fluids at active black smoker chimneys in the exploration area, as well as in vent habitats and for sampling in sensitive environments;

(h) Autonomous underwater vehicle: a self-propelled, uncrewed, untethered underwater vehicle with multiple sensors for near-seabed geophysical surveys in vent habitats and seafloor imaging in large areas, at approximately 6–8 m above the seafloor;

(i) On-board laboratory facilities: for biological and geological processing, with specialized equipment and modern facilities optimized for dealing with polymetallic sulphides and deep-sea biology, and box-core samplers for efficient handling, documentation and preservation of the samples acquired;

(j) Television-guided grab systems: for precise large-scale (up to about 3 ton) sampling of rocks, sediment or massive sulphides. Owing to a high-resolution video camera and several lights mounted in the centre of the grab, the system can be used for small-scale mapping of the seafloor as well as for sample selection, on seamounts/

ridges, for quantitative benthic biodiversity studies, and to verify photographic data acquired during regular environmental studies;

(k) Acoustic Doppler current profiler: to measure water currents with sound using the principle of the Doppler effect;

(l) Magnetometer: to detect variations in the total magnetic field of the underlying seafloor;

(m) Sea floor observation systems for video/still photographic observations;

(n) Benthic sledge: camera-mounted sledges for sample collection on the seafloor, avoiding sensitive areas and reducing dragging time;

(o) Dynamic positioning system: for accurate navigation positioning;

(p) Dredges: for seabed sampling, avoiding sensitive zones.

27. The applicant noted that a new research vessel dedicated exclusively to the investigation of deep-sea minerals is currently under construction and will be commissioned in the next few years.

2. Financial and technical capabilities to respond to any incident or activity that causes serious harm to the marine environment

28. The applicant provided information related to its expertise and technical capabilities developed over the past four decades in a variety of marine survey, exploration and environmental studies and campaigns. In particular, it provided information on major activities that it had conducted in the deep ocean, including exploration for polymetallic massive sulphides and polymetallic nodules, prospecting for cobalt-rich ferromanganese crusts, studies in the Southern Indian Ocean, delineation of outer limits of the continental shelf of India and mapping of its exclusive economic zone.

29. The applicant indicated that the implementation of these programmes required extensive planning and precautions for marine-related surveys, research and technology development activities. The activities have therefore provided experience in anticipating, responding to and monitoring any harmful effects on the marine environment as a result of deep-sea survey, exploration and research activities.

30. The applicant stated that the plan of work will have a precautionary mechanism in place for anticipating as well as responding to any incident that may have the potential to cause serious harm to the marine environment.

31. The Government of India, through ESSO-Ministry of Earth Sciences (the applicant), has confirmed that it has made available the funds required for implementation of the proposed plan of work. The estimated funds requirement has an element of contingency that accounts for responding to unforeseen incidents or activities that may occur during the proposed research and exploration activities.

VI. Consideration of data and information submitted for approval of the plan of work for exploration

32. In accordance with regulation 20, the applicant submitted the following information, with a view to receiving approval of the plan of work for exploration:

(a) A general description and schedule of the proposed exploration programme, including the programme of activities for the immediate five-year period, such as studies to be undertaken in respect of the environmental, technical, economic and other appropriate factors that must be taken into account in exploration;

(b) A description of the programme for oceanographic and environmental baseline studies in accordance with the regulations and any environmental rules, regulations and procedures established by the Authority that would enable an assessment of the potential environmental impact, including, but not restricted to, the impact on biodiversity of the proposed exploration activities, taking into account the recommendations issued by the Commission ([ISBA/25/LTC/6/Rev.3](#));

(c) A preliminary assessment of the possible impact of the proposed exploration activities on the marine environment;

(d) A description of proposed measures for the prevention, reduction and control of pollution and other hazards, as well as possible impacts, in the marine environment;

(e) Data necessary for the Council to make the determination required under regulation 13, paragraph 1;

(f) A schedule of expected yearly expenditure in respect of the programme of activities for the first five-year period.

33. In response to questions, the applicant informed the Commission that it would consider the development of mining technology in the final phase of the implementation of the plan of work and produce a road map of its proposed mining technology. The applicant indicated that the exploration activities would identify the presence or absence of submarine structures, shipping lanes, zones relating to fisheries and exclusion zones. The applicant agreed to study the impacts of its exploration activities on fisheries. The applicant also committed to carrying out more environmental monitoring in the area and to take into account sites of ecological sensitivity in its environmental baseline plan.

34. At the request of the Commission, the applicant submitted further information on the location of submarine cables, navigation routes and fisheries operations in the proposed area.

35. The applicant presented a map showing the Oman Australia submarine cable that runs through cluster J of the proposed area and noted that sufficient distance will be maintained between the cable and sampling in the proposed area to avoid the risk of damage to the cable or sampling gear. The applicant provided assurance that sampling activities will be planned and managed considering the level and period of shipping along the shipping route identified directly along the midline of the applicant's proposed area. Furthermore, the applicant indicated that exploration activities will be managed to avoid interference with fishing activities in the proposed area.

VII. Training

36. The Commission took note of the applicant's proposed training programme for the first five years of the contract period. The applicant indicated that detailed training plans for the second and third phases of the contract would be developed at an appropriate time in consultation with the Authority.

37. The Commission also noted that the applicant's proposed training programme for the first five years included at-sea and on-land training opportunities. The applicant provided detailed information on the objectives and content of the training programme for the first five-year period, including the general qualifications of candidates.

38. The applicant indicated that the National Centre for Polar and Ocean Research would be the coordinator for conducting the training programme on its behalf. The training programme would be organized in association with various national institutes, namely the Centre for Marine Living Resources and Ecology, Cochin, the Indian National Centre for Ocean Information Services, Hyderabad, the National Centre for Earth Science Studies, Thiruvananthapuram, the National Institute of Ocean Technology, Chennai, and the National Institute of Oceanography of the Council of Scientific and Industrial Research, Goa.

39. The schedule of the first five-year training programme includes two slots for 10 candidates. The first group of five trainees will undergo land-based training in institutes and laboratories in the second year of the contract, and the second group of five trainees will receive sea-based training in the fourth year of the contract.

VIII. Conclusion and recommendations

40. Having examined the particulars submitted by the applicant, as summarized in sections III to VII above, the Commission is satisfied that the application has been duly submitted in accordance with the regulations and that the applicant is a qualified applicant within the meaning of article 4 of annex III to the Convention.

41. The Commission is also satisfied that the applicant:

- (a) Has complied with the provisions of the regulations;
- (b) Has given the undertakings and assurances specified in regulation 15;
- (c) Possesses the financial and technical capabilities to carry out the proposed plan of work for exploration.

42. The Commission is further satisfied that none of the conditions in regulation 23, paragraph 6, apply.

43. The Commission is satisfied that the proposed plan of work for exploration will:

- (a) Provide for effective protection of human health and safety;
- (b) Provide for effective protection and preservation of the marine environment, including, but not restricted to, the impact on biodiversity;
- (c) Ensure that installations are not established where interference may be caused to the use of recognized sea lanes essential to international navigation or in areas of intense fishing activity.

44. Accordingly, pursuant to paragraph 5 of regulation 23, the Commission recommends to the Council approval of the plan of work for exploration for polymetallic sulphides submitted by ESSO-Ministry or Earth Sciences of the Government of India.

Annex I

Geographical coordinates of the area under application

Block	Longitude (E)			Latitude (N)			Longitude (E)	Latitude (N)	Area (km ²)
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	Decimal degrees	Decimal degrees	
<i>Cluster A</i>									
1	59	47	46.9	6	58	25.3	59.79635032	6.97370545	100
	59	51	23.1	7	2	28	59.85642592	7.04112298	
	59	55	26.1	6	58	51.5	59.92391594	6.98096836	
	59	51	49.8	6	54	48.8	59.86384634	6.91356525	
2	59	51	23.1	7	2	28	59.85642592	7.04112298	100
	59	54	59.5	7	6	30.7	59.91651599	7.10853438	
	59	59	2.4	7	2	54.1	59.98399984	7.04836548	
	59	55	26.1	6	58	51.5	59.92391594	6.98096836	
3	59	54	59.5	7	6	30.7	59.91651599	7.10853438	100
	59	58	35.8	7	10	33.4	59.97662040	7.17593947	
	60	2	38.8	7	6	56.7	60.04409791	7.11575644	
	59	59	2.4	7	2	54.1	59.98399984	7.04836548	
4	59	51	49.8	6	54	48.8	59.86384634	6.91356525	100
	59	55	26.1	6	58	51.5	59.92391594	6.98096836	
	59	59	29.1	6	55	14.9	59.99140277	6.92080973	
	59	55	52.8	6	51	12.3	59.93133903	6.85342088	
5	59	55	26.1	6	58	51.5	59.92391594	6.98096836	100
	59	59	2.4	7	2	54.1	59.98399984	7.04836548	
	60	3	5.3	6	59	17.5	60.05148066	6.98819275	
	59	59	29.1	6	55	14.9	59.99140277	6.92080973	
6	59	59	2.4	7	2	54.1	59.98399984	7.04836548	100
	60	2	38.8	7	6	56.7	60.04409791	7.11575644	
	60	6	41.7	7	3	20.1	60.11157254	7.05556975	
	60	3	5.3	6	59	17.5	60.05148066	6.98819275	
7	59	55	52.8	6	51	12.3	59.93133903	6.85342088	100
	59	59	29.1	6	55	14.9	59.99140277	6.92080973	
	60	3	32	6	51	38.3	60.05888643	6.86064710	
	59	59	55.8	6	47	35.8	59.99882838	6.79327233	
8	59	59	29.1	6	55	14.9	59.99140277	6.92080973	100
	60	3	5.3	6	59	17.5	60.05148066	6.98819275	
	60	7	8.3	6	55	40.9	60.11895845	6.92801618	
	60	3	32	6	51	38.3	60.05888643	6.86064710	
9	60	3	5.3	6	59	17.5	60.05148066	6.98819275	100
	60	6	41.7	7	3	20.1	60.11157254	7.05556975	
	60	10	44.6	6	59	43.4	60.17904429	6.99537939	
	60	7	8.3	6	55	40.9	60.11895845	6.92801618	

Block	Longitude (E)			Latitude (N)			Longitude (E)	Latitude (N)	Area (km ²)
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	Decimal degrees	Decimal degrees	
10	59	59	55.8	6	47	35.8	59.99882838	6.79327233	100
	60	3	32	6	51	38.3	60.05888643	6.86064710	
	60	7	34.9	6	48	1.7	60.12636690	6.80048047	
	60	3	58.7	6	43	59.2	60.06631441	6.73311962	
11	60	3	32	6	51	38.3	60.05888643	6.86064710	100
	60	7	8.3	6	55	40.9	60.11895845	6.92801618	
	60	11	11.2	6	52	4.2	60.18643321	6.86783578	
	60	7	34.9	6	48	1.7	60.12636690	6.80048047	
12	60	7	8.3	6	55	40.9	60.11895845	6.92801618	100
	60	10	44.6	6	59	43.4	60.17904429	6.99537939	
	60	14	47.4	6	56	6.7	60.24651316	6.93518538	
	60	11	11.2	6	52	4.2	60.18643321	6.86783578	
13	60	3	58.7	6	43	59.2	60.06631441	6.73311962	100
	60	7	34.9	6	48	1.7	60.12636690	6.80048047	
	60	11	37.8	6	44	25.1	60.19384420	6.74030985	
	60	8	1.7	6	40	22.7	60.13379709	6.67296274	
14	60	7	34.9	6	48	1.7	60.12636690	6.80048047	100
	60	11	11.2	6	52	4.2	60.18643321	6.86783578	
	60	15	14.1	6	48	27.5	60.25390493	6.80765157	
	60	11	37.8	6	44	25.1	60.19384420	6.74030985	
15	60	11	11.2	6	52	4.2	60.18643321	6.86783578	100
	60	14	47.4	6	56	6.7	60.24651316	6.93518538	
	60	18	50.3	6	52	30	60.31397915	6.87498771	
	60	15	14.1	6	48	27.5	60.25390493	6.80765157	
16	60	5	23.9	6	37	25.7	60.08998553	6.62381567	100
	60	9	0.1	6	41	28.2	60.15002632	6.69116841	
	60	13	3	6	37	51.6	60.21750606	6.63100013	
	60	9	26.9	6	33	49.2	60.15747052	6.56366097	
17	60	9	0.1	6	41	28.2	60.15002632	6.69116841	100
	60	12	36.3	6	45	30.7	60.21008074	6.75851575	
	60	16	39.2	6	41	54	60.27755507	6.69833405	
	60	13	3	6	37	51.6	60.21750606	6.63100013	
18	60	12	36.3	6	45	30.7	60.21008074	6.75851575	100
	60	16	12.5	6	49	33.1	60.27014864	6.82585753	
	60	20	15.4	6	45	56.4	60.33761739	6.76566254	
	60	16	39.2	6	41	54	60.27755507	6.69833405	

Block	Longitude (E)			Latitude (N)			Longitude (E)	Latitude (N)	Area (km ²)
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	Decimal degrees	Decimal degrees	
<i>Cluster B</i>									
19	60	12	47.8	6	31	21.8	60.21328294	6.52272222	100
	60	16	22.4	6	35	25.5	60.27289399	6.59041259	
	60	20	26.6	6	31	50.4	60.34073287	6.53065645	
	60	16	52.1	6	27	46.7	60.28112651	6.46297949	
20	60	16	22.4	6	35	25.5	60.27289399	6.59041259	100
	60	19	57.1	6	39	29.2	60.33251851	6.65809811	
	60	24	1.3	6	35	54	60.40035252	6.59832870	
	60	20	26.6	6	31	50.4	60.34073287	6.53065645	
21	60	19	57.1	6	39	29.2	60.33251851	6.65809811	100
	60	23	31.8	6	43	32.8	60.39215635	6.72577861	
	60	27	35.9	6	39	57.6	60.45998533	6.66599608	
	60	24	1.3	6	35	54	60.40035252	6.59832870	
22	60	16	52.1	6	27	46.7	60.28112651	6.46297949	100
	60	20	26.6	6	31	50.4	60.34073287	6.53065645	
	60	24	30.8	6	28	15.2	60.40856844	6.47089615	
	60	20	56.3	6	24	11.6	60.34896662	6.40323244	
23	60	20	26.6	6	31	50.4	60.34073287	6.53065645	100
	60	24	1.3	6	35	54	60.40035252	6.59832870	
	60	28	5.5	6	32	18.8	60.46818337	6.53855531	
	60	24	30.8	6	28	15.2	60.40856844	6.47089615	
24	60	24	1.3	6	35	54	60.40035252	6.59832870	100
	60	27	35.9	6	39	57.6	60.45998533	6.66599608	
	60	31	40.1	6	36	22.4	60.52781129	6.60620974	
	60	28	5.5	6	32	18.8	60.46818337	6.53855531	
25	60	18	50.5	6	21	48.8	60.31402013	6.36355255	100
	60	22	25	6	25	52.4	60.37361756	6.43122013	
	60	26	29.2	6	22	17.3	60.44145368	6.37146007	
	60	22	54.7	6	18	13.7	60.38186065	6.30380557	
26	60	22	25	6	25	52.4	60.37361756	6.43122013	100
	60	25	59.6	6	29	56	60.43322812	6.49888314	
	60	30	3.8	6	26	20.8	60.50105968	6.43911016	
	60	26	29.2	6	22	17.3	60.44145368	6.37146007	
27	60	25	59.6	6	29	56	60.43322812	6.49888314	100
	60	29	34.3	6	33	59.5	60.49285166	6.56654144	
	60	33	38.4	6	30	24.3	60.56067848	6.50675568	
	60	30	3.8	6	26	20.8	60.50105968	6.43911016	
28	60	22	54.7	6	18	13.7	60.38186065	6.30380557	100
	60	26	29.2	6	22	17.3	60.44145368	6.37146007	
	60	30	33.4	6	18	42.1	60.50928649	6.31169587	
	60	26	58.9	6	14	38.6	60.44969770	6.24405427	

Block	Longitude (E)			Latitude (N)			Longitude (E)	Latitude (N)	Area (km ²)
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	Decimal degrees	Decimal degrees	
29	60	26	29.2	6	22	17.3	60.44145368	6.37146007	100
	60	30	3.8	6	26	20.8	60.50105968	6.43911016	
	60	34	8	6	22	45.6	60.56888807	6.37933321	
	60	30	33.4	6	18	42.1	60.50928649	6.31169587	
30	60	30	3.8	6	26	20.8	60.50105968	6.43911016	100
	60	33	38.4	6	30	24.3	60.56067848	6.50675568	
	60	37	42.6	6	26	49.1	60.62850228	6.44696612	
	60	34	8	6	22	45.6	60.56888807	6.37933321	
31	60	26	58.9	6	14	38.6	60.44969770	6.24405427	100
	60	30	33.4	6	18	42.1	60.50928649	6.31169587	
	60	34	37.6	6	15	6.9	60.57711598	6.25192753	
	60	31	3.1	6	11	3.5	60.51753129	6.18429866	
32	60	30	33.4	6	18	42.1	60.50928649	6.31169587	100
	60	34	8	6	22	45.6	60.56888807	6.37933321	
	60	38	12.2	6	19	10.4	60.63671329	6.31955229	
	60	34	37.6	6	15	6.9	60.57711598	6.25192753	
33	60	34	8	6	22	45.6	60.56888807	6.37933321	100
	60	37	42.6	6	26	49.1	60.62850228	6.44696612	
	60	41	46.8	6	23	13.8	60.69632307	6.38717276	
	60	38	12.2	6	19	10.4	60.63671329	6.31955229	
<i>Cluster C</i>									
34	61	4	48.1	5	46	25.6	61.08004041	5.77376705	100
	61	7	46.9	5	50	56.6	61.12970219	5.84906095	
	61	12	18.6	5	47	57.4	61.20516326	5.79927605	
	61	9	19.8	5	43	26.4	61.15550427	5.72399608	
35	61	7	46.9	5	50	56.6	61.12970219	5.84906095	100
	61	10	45.8	5	55	27.7	61.17937798	5.92435191	
	61	15	17.4	5	52	28.4	61.25483607	5.87455320	
	61	12	18.6	5	47	57.4	61.20516326	5.79927605	
36	61	10	45.8	5	55	27.7	61.17937798	5.92435191	100
	61	13	44.6	5	59	58.7	61.22906765	5.99963975	
	61	18	16.3	5	56	59.4	61.30452257	5.94982734	
	61	15	17.4	5	52	28.4	61.25483607	5.87455320	
37	61	11	11.8	5	46	16.1	61.18661596	5.77114460	100
	61	14	10.6	5	50	47.1	61.23627495	5.84642456	
	61	18	42.2	5	47	47.9	61.31173331	5.79663509	
	61	15	43.5	5	43	16.9	61.26207699	5.72136887	
38	61	14	10.6	5	50	47.1	61.23627495	5.84642456	100
	61	17	9.4	5	55	18.1	61.28594775	5.92170171	
	61	21	41.1	5	52	18.8	61.36140326	5.87189862	
	61	18	42.2	5	47	47.9	61.31173331	5.79663509	

Block	Longitude (E)			Latitude (N)			Longitude (E)	Latitude (N)	Area (km ²)
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	Decimal degrees	Decimal degrees	
39	61	17	4.2	5	45	19.4	61.28451005	5.75538441	100
	61	20	3	5	49	50.3	61.33418000	5.83064794	
	61	24	34.7	5	46	51	61.40963292	5.78084046	
	61	21	35.9	5	42	20.1	61.35996571	5.70559037	
40	61	20	34.6	5	40	47.3	61.34295484	5.67979451	100
	61	23	33.4	5	45	18.2	61.39260862	5.75504718	
	61	28	5	5	42	18.9	61.46806157	5.70524857	
	61	25	6.3	5	37	48	61.41841021	5.63000927	
41	61	23	33.4	5	45	18.2	61.39260862	5.75504718	100
	61	26	32.2	5	49	49.1	61.44227584	5.83029728	
	61	31	3.8	5	46	49.7	61.51772618	5.78048543	
	61	28	5	5	42	18.9	61.46806157	5.70524857	
<i>Cluster D</i>									
42	62	0	18	5	8	39.9	62.00499393	5.14442414	100
	62	5	14.3	5	10	53.6	62.08730942	5.18156272	
	62	7	28.1	5	5	56.9	62.12448212	5.09914575	
	62	2	31.8	5	3	43.3	62.04217807	5.06201771	
43	62	5	14.3	5	10	53.6	62.08730942	5.18156272	100
	62	10	10.7	5	13	7.3	62.16963544	5.21868971	
	62	12	24.5	5	8	10.5	62.20679660	5.13626241	
	62	7	28.1	5	5	56.9	62.12448212	5.09914575	
44	62	2	31.8	5	3	43.3	62.04217807	5.06201771	100
	62	7	28.1	5	5	56.9	62.12448212	5.09914575	
	62	9	41.9	5	1	0.2	62.16165049	5.01672651	
	62	4	45.7	4	58	46.6	62.07935768	4.97960890	
45	62	7	28.1	5	5	56.9	62.12448212	5.09914575	100
	62	12	24.5	5	8	10.5	62.20679660	5.13626241	
	62	14	38.2	5	3	13.8	62.24395364	5.05383294	
	62	9	41.9	5	1	0.2	62.16165049	5.01672651	
46	62	2	38.3	4	57	49.1	62.04398573	4.96365093	100
	62	7	34.6	5	0	2.8	62.12628978	5.00077898	
	62	9	48.4	4	55	6.1	62.16345815	4.91835973	
	62	4	52.2	4	52	52.5	62.08116534	4.88124213	
47	62	7	34.6	5	0	2.8	62.12628978	5.00077898	100
	62	12	31	5	2	16.4	62.20860426	5.03789563	
	62	14	44.7	4	57	19.7	62.24576130	4.95546616	
	62	9	48.4	4	55	6.1	62.16345815	4.91835973	

Block	Longitude (E)			Latitude (N)			Longitude (E)	Latitude (N)	Area (km ²)
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	Decimal degrees	Decimal degrees	
<i>Cluster E</i>									
48	63	30	33.9	3	40	2.6	63.50942119	3.66738099	100
	63	32	26.7	3	45	7.3	63.54075728	3.75202902	
	63	37	32	3	43	14.3	63.62554326	3.72063061	
	63	35	39.1	3	38	9.6	63.59420747	3.63599748	
49	63	32	26.7	3	45	7.3	63.54075728	3.75202902	100
	63	34	19.6	3	50	12	63.57210838	3.83667664	
	63	39	24.8	3	48	18.9	63.65689385	3.80526340	
	63	37	32	3	43	14.3	63.62554326	3.72063061	
50	63	34	19.6	3	50	12	63.57210838	3.83667664	100
	63	36	12.5	3	55	16.8	63.60347441	3.92132363	
	63	41	17.7	3	53	23.6	63.68825916	3.88989564	
	63	39	24.8	3	48	18.9	63.65689385	3.80526340	
51	63	35	39.1	3	38	9.6	63.59420747	3.63599748	100
	63	37	32	3	43	14.3	63.62554326	3.72063061	
	63	42	37.2	3	41	21.2	63.71032781	3.68922753	
	63	40	44.4	3	36	16.6	63.67899224	3.60460909	
52	63	37	32	3	43	14.3	63.62554326	3.72063061	100
	63	39	24.8	3	48	18.9	63.65689385	3.80526340	
	63	44	30	3	46	25.8	63.74167797	3.77384571	
	63	42	37.2	3	41	21.2	63.71032781	3.68922753	
53	63	39	24.8	3	48	18.9	63.65689385	3.80526340	100
	63	41	17.7	3	53	23.6	63.68825916	3.88989564	
	63	46	23	3	51	30.5	63.77304263	3.85846340	
	63	44	30	3	46	25.8	63.74167797	3.77384571	
54	63	40	44.4	3	36	16.6	63.67899224	3.60460909	100
	63	42	37.2	3	41	21.2	63.71032781	3.68922753	
	63	47	42.4	3	39	28.2	63.79511093	3.65781979	
	63	45	49.6	3	34	23.6	63.76377550	3.57321584	
55	63	42	37.2	3	41	21.2	63.71032781	3.68922753	100
	63	44	30	3	46	25.8	63.74167797	3.77384571	
	63	49	35.3	3	44	32.7	63.82646073	3.74242357	
	63	47	42.4	3	39	28.2	63.79511093	3.65781979	
56	63	44	30	3	46	25.8	63.74167797	3.77384571	100
	63	46	23	3	51	30.5	63.77304263	3.85846340	
	63	51	28.2	3	49	37.3	63.85782483	3.82702694	
	63	49	35.3	3	44	32.7	63.82646073	3.74242357	
57	63	45	49.6	3	34	23.6	63.76377550	3.57321584	100
	63	47	42.4	3	39	28.2	63.79511093	3.65781979	
	63	52	47.6	3	37	35.1	63.87989261	3.62640741	
	63	50	54.8	3	32	30.5	63.84855725	3.54181771	

Block	Longitude (E)			Latitude (N)			Longitude (E)	Latitude (N)	Area (km ²)
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	Decimal degrees	Decimal degrees	
58	63	47	42.4	3	39	28.2	63.79511093	3.65781979	100
	63	49	35.3	3	44	32.7	63.82646073	3.74242357	
	63	54	40.5	3	42	39.6	63.91124214	3.71099699	
	63	52	47.6	3	37	35.1	63.87989261	3.62640741	
59	63	49	35.3	3	44	32.7	63.82646073	3.74242357	100
	63	51	28.2	3	49	37.3	63.85782483	3.82702694	
	63	56	33.4	3	47	44.1	63.94260575	3.79558625	
	63	54	40.5	3	42	39.6	63.91124214	3.71099699	
60	63	50	54.8	3	32	30.5	63.84855725	3.54181771	100
	63	52	47.6	3	37	35.1	63.87989261	3.62640741	
	63	57	52.8	3	35	42	63.96467286	3.59499037	
	63	56	0	3	30	37.5	63.93333748	3.51041472	
61	63	52	47.6	3	37	35.1	63.87989261	3.62640741	100
	63	54	40.5	3	42	39.6	63.91124214	3.71099699	
	63	59	45.7	3	40	46.4	63.99602219	3.67956598	
	63	57	52.8	3	35	42	63.96467286	3.59499037	
62	63	54	40.5	3	42	39.6	63.91124214	3.71099699	100
	63	56	33.4	3	47	44.1	63.94260575	3.79558625	
	64	1	38.6	3	45	50.9	64.02738539	3.76414134	
	63	59	45.7	3	40	46.4	63.99602219	3.67956598	
63	63	57	52.6	3	35	41.4	63.96461783	3.59484183	100
	63	59	45.5	3	40	45.9	63.99596716	3.67941744	
	64	4	50.7	3	38	52.7	64.08074584	3.64798200	
	64	2	57.8	3	33	48.3	64.04939663	3.56342015	
64	63	59	45.5	3	40	45.9	63.99596716	3.67941744	100
	64	1	38.4	3	45	50.4	64.02733036	3.76399280	
	64	6	43.6	3	43	57.2	64.11210871	3.73254367	
	64	4	50.7	3	38	52.7	64.08074584	3.64798200	
<i>Cluster F</i>									
65	64	57	38.5	3	2	11.8	64.96068142	3.03662491	100
	65	0	46.4	3	6	37	65.01287534	3.11026778	
	65	5	11.8	3	3	28.8	65.08661151	3.05799380	
	65	2	3.9	2	59	3.7	65.03442108	2.98436626	
66	65	0	40.3	2	57	5.6	65.01118055	2.95155479	100
	65	3	48.1	3	1	30.7	65.06335564	3.02518564	
	65	8	13.5	2	58	22.5	65.13709192	2.97292172	
	65	5	5.7	2	53	57.5	65.08492002	2.89930614	
67	65	3	48.1	3	1	30.7	65.06335564	3.02518564	100
	65	6	56	3	5	55.7	65.11554607	3.09881319	
	65	11	21.4	3	2	47.5	65.18927899	3.04653413	
	65	8	13.5	2	58	22.5	65.13709192	2.97292172	

Block	Longitude (E)			Latitude (N)			Longitude (E)	Latitude (N)	Area (km ²)
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	Decimal degrees	Decimal degrees	
68	65	6	48.3	2	56	22.3	65.11340804	2.93951445	100
	65	9	56.1	3	0	47.3	65.16559511	3.01312686	
	65	14	21.6	2	57	39	65.23932478	2.96084274	
	65	11	13.7	2	53	14.1	65.18714095	2.88724528	
69	65	9	56.1	3	0	47.3	65.16559511	3.01312686	100
	65	13	4.1	3	5	12.2	65.21779720	3.08673590	
	65	17	29.5	3	2	4	65.29152346	3.03443696	
	65	14	21.6	2	57	39	65.23932478	2.96084274	
<i>Cluster G</i>									
70	65	14	19.2	2	52	0.5	65.23865641	2.86681927	100
	65	18	18.8	2	55	40	65.30523603	2.92778629	
	65	21	58.6	2	51	40	65.36628736	2.86109892	
	65	17	59	2	48	0.5	65.29971499	2.80014517	
71	65	18	18.8	2	55	40	65.30523603	2.92778629	100
	65	22	18.6	2	59	19.5	65.37182896	2.98874592	
	65	25	58.3	2	55	19.4	65.43287289	2.92204544	
	65	21	58.6	2	51	40	65.36628736	2.86109892	
72	65	22	18.6	2	59	19.5	65.37182896	2.98874592	100
	65	26	18.4	3	2	58.9	65.43843504	3.04969799	
	65	29	58.1	2	58	58.7	65.49947142	2.98298457	
	65	25	58.3	2	55	19.4	65.43287289	2.92204544	
73	65	17	59	2	48	0.5	65.29971499	2.80014517	100
	65	21	58.6	2	51	40	65.36628736	2.86109892	
	65	25	38.4	2	47	39.9	65.42733530	2.79440805	
	65	21	38.8	2	44	0.5	65.36077000	2.73346742	
74	65	21	58.6	2	51	40	65.36628736	2.86109892	100
	65	25	58.3	2	55	19.4	65.43287289	2.92204544	
	65	29	38.1	2	51	19.2	65.49391359	2.85534161	
	65	25	38.4	2	47	39.9	65.42733530	2.79440805	
<i>Cluster H</i>									
75	65	49	19.8	2	53	40.1	65.82215443	2.89446566	100
	65	52	31.3	2	58	2	65.87535790	2.96722787	
	65	56	54	2	54	49.9	65.94833364	2.91385554	
	65	53	42.5	2	50	28	65.89513315	2.84110607	
76	65	52	31.3	2	58	2	65.87535790	2.96722787	100
	65	55	42.9	3	2	24	65.92857417	3.03998694	
	66	0	5.6	2	59	11.8	66.00154675	2.98660201	
	65	56	54	2	54	49.9	65.94833364	2.91385554	
77	65	55	7.3	2	52	24	65.91869879	2.87333110	100
	65	58	18.9	2	56	46	65.97191689	2.94609779	
	66	2	41.6	2	53	33.8	66.04488697	2.89271813	
	65	59	30	2	49	11.9	65.99167198	2.81996436	

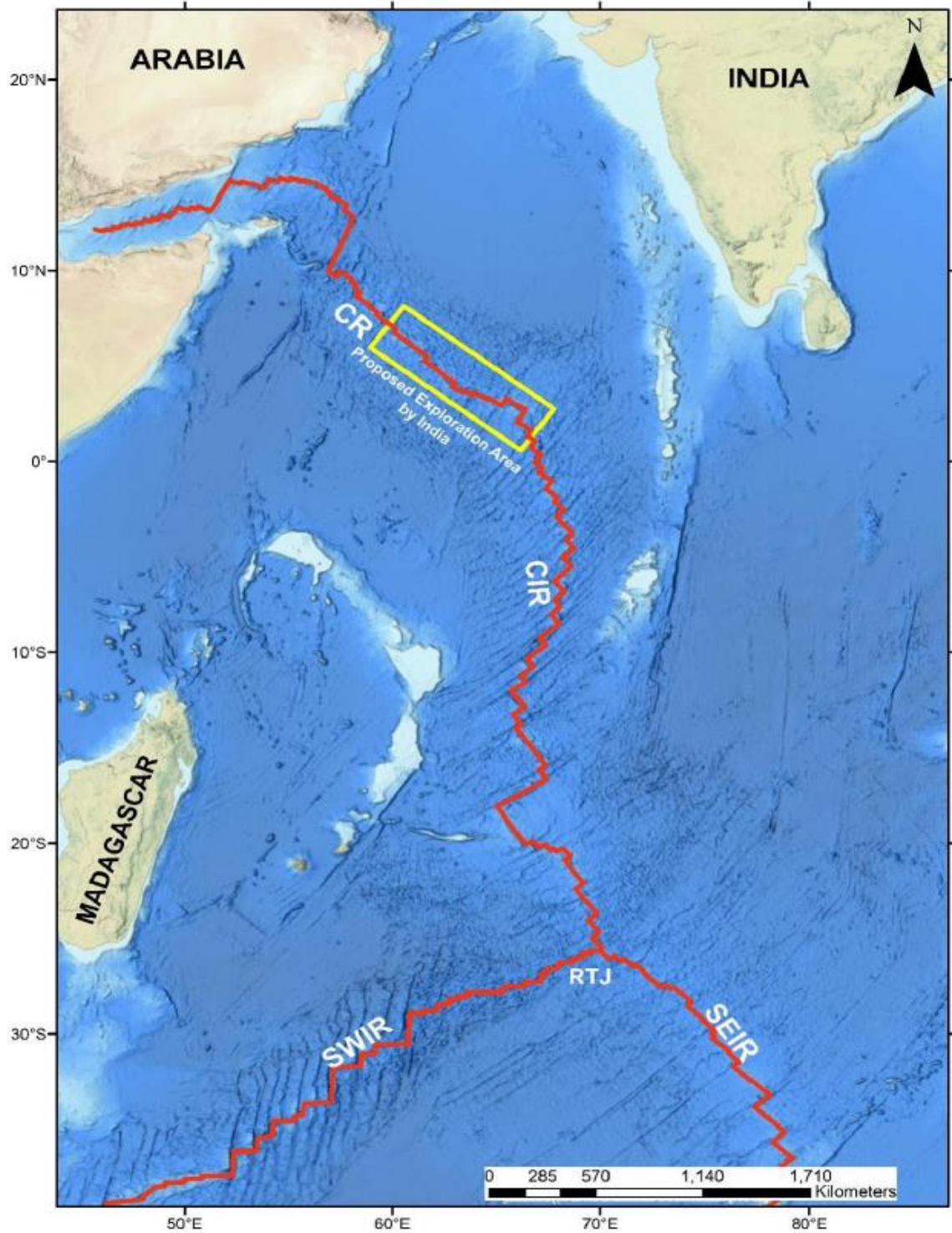
Block	Longitude (E)			Latitude (N)			Longitude (E)	Latitude (N)	Area (km ²)
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	Decimal degrees	Decimal degrees	
78	65	58	18.9	2	56	46	65.97191689	2.94609779	100
	66	1	30.5	3	1	7.9	66.02514798	3.01886122	
	66	5	53.2	2	57	55.7	66.09811477	2.96546877	
	66	2	41.6	2	53	33.8	66.04488697	2.89271813	
79	65	59	8.2	2	48	42.1	65.98562400	2.81169577	100
	66	2	19.8	2	53	4	66.03883899	2.88444954	
	66	6	42.5	2	49	51.8	66.11180628	2.83106565	
	66	3	30.9	2	45	30	66.05859426	2.75832462	
80	66	2	19.8	2	53	4	66.03883899	2.88444954	100
	66	5	31.4	2	57	25.9	66.09206679	2.95720018	
	66	9	54.1	2	54	13.7	66.16503092	2.90380368	
	66	6	42.5	2	49	51.8	66.11180628	2.83106565	
<i>Cluster I</i>									
81	66	7	14.4	2	41	25.8	66.12065429	2.69050521	100
	66	10	50.5	2	45	28.2	66.18069108	2.75784326	
	66	14	53.4	2	41	51.6	66.24816653	2.69766976	
	66	11	17.3	2	37	49.2	66.18813483	2.63034511	
82	66	10	50.5	2	45	28.2	66.18069108	2.75784326	100
	66	14	26.7	2	49	30.6	66.24074133	2.82517607	
	66	18	29.6	2	45	54	66.30821152	2.76498930	
	66	14	53.4	2	41	51.6	66.24816653	2.69766976	
83	66	12	10.1	2	38	48.5	66.20280914	2.64680172	100
	66	15	46.3	2	42	50.9	66.26285099	2.71413525	
	66	19	49.2	2	39	14.2	66.33032192	2.65395667	
	66	16	13	2	35	11.9	66.27028516	2.58663654	
84	66	15	46.3	2	42	50.9	66.26285099	2.71413525	100
	66	19	22.5	2	46	53.3	66.32290631	2.78146354	
	66	23	25.3	2	43	16.6	66.39037197	2.72127170	
	66	19	49.2	2	39	14.2	66.33032192	2.65395667	
85	66	17	52.9	2	37	3.8	66.29801542	2.61773091	100
	66	21	29.1	2	41	6.2	66.35807325	2.68506341	
	66	25	32	2	37	29.5	66.42554312	2.62486928	
	66	21	55.8	2	33	27.2	66.36549073	2.55754989	
<i>Cluster J</i>									
86	66	33	24.5	2	25	29.2	66.55681829	2.42478648	100
	66	38	40.3	2	26	45.5	66.64453165	2.44596585	
	66	39	56.7	2	21	29.1	66.66574295	2.35807555	
	66	34	41	2	20	12.9	66.57804169	2.33690415	
87	66	38	40.3	2	26	45.5	66.64453165	2.44596585	100
	66	43	56.1	2	28	1.7	66.73225292	2.46713296	
	66	45	12.4	2	22	45.2	66.75345207	2.37923493	
	66	39	56.7	2	21	29.1	66.66574295	2.35807555	

Block	Longitude (E)			Latitude (N)			Longitude (E)	Latitude (N)	Area (km ²)
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	Decimal degrees	Decimal degrees	
88	66	34	41	2	20	12.9	66.57804169	2.33690415	100
	66	39	56.7	2	21	29.1	66.66574295	2.35807555	
	66	41	13	2	16	12.7	66.68694959	2.27018385	
	66	35	57.3	2	14	56.5	66.59926021	2.24902035	
89	66	39	56.7	2	21	29.1	66.66574295	2.35807555	100
	66	45	12.4	2	22	45.2	66.75345207	2.37923493	
	66	46	28.7	2	17	28.8	66.77464678	2.29133554	
	66	41	13	2	16	12.7	66.68694959	2.27018385	
90	66	45	12.4	2	22	45.2	66.75345207	2.37923493	100
	66	50	28.2	2	24	1.4	66.84116883	2.40038221	
	66	51	44.5	2	18	44.9	66.86235155	2.31247536	
91	66	46	28.7	2	17	28.8	66.77464678	2.29133554	100
	66	41	13	2	16	12.7	66.68694959	2.27018385	
	66	47	45	2	12	12.4	66.79583705	2.20343482	
	66	42	29.3	2	10	56.2	66.70815157	2.18229076	
92	66	46	28.7	2	17	28.8	66.77464678	2.29133554	100
	66	51	44.5	2	18	44.9	66.86235155	2.31247536	
	66	53	0.7	2	13	28.4	66.88353005	2.22456722	
	66	47	45	2	12	12.4	66.79583705	2.20343482	
<i>Cluster K</i>									
93	66	40	23.8	2	0	25.5	66.67328861	2.00707019	100
	66	45	47.5	2	0	54.4	66.76319545	2.01512442	
	66	46	16.5	1	55	30.2	66.77125279	1.92506640	
	66	40	52.9	1	55	1.3	66.68135956	1.91701808	
94	66	45	47.5	2	0	54.4	66.76319545	2.01512442	100
	66	51	11.2	2	1	23.4	66.85310814	2.02316490	
	66	51	40.1	1	55	59.2	66.86115185	1.93310120	
	66	46	16.5	1	55	30.2	66.77125279	1.92506640	
95	66	40	52.9	1	55	1.3	66.68135956	1.91701808	100
	66	46	16.5	1	55	30.2	66.77125279	1.92506640	
	66	46	45.5	1	50	6	66.77930553	1.83500769	
	66	41	21.9	1	49	37.1	66.68942569	1.82696525	
96	66	46	16.5	1	55	30.2	66.77125279	1.92506640	100
	66	51	40.1	1	55	59.2	66.86115185	1.93310120	
	66	52	9.1	1	50	34.9	66.86919118	1.84303682	
	66	46	45.5	1	50	6	66.77930553	1.83500769	
97	66	39	10	1	49	25.3	66.65278091	1.82368628	100
	66	44	33.6	1	49	54.2	66.74266076	1.83172872	
	66	45	2.6	1	44	30	66.75070890	1.74166932	
	66	39	39	1	44	1.1	66.66084221	1.73363275	


<i>Block</i>	<i>Longitude (E)</i>			<i>Latitude (N)</i>			<i>Longitude (E)</i>	<i>Latitude (N)</i>	<i>Area (km²)</i>
	<i>Degrees</i>	<i>Minutes</i>	<i>Seconds</i>	<i>Degrees</i>	<i>Minutes</i>	<i>Seconds</i>	<i>Decimal degrees</i>	<i>Decimal degrees</i>	
98	66	44	33.6	1	49	54.2	66.74266076	1.83172872	100
	66	49	57.2	1	50	23.1	66.83254641	1.83975785	
	66	50	26.1	1	44	58.9	66.84058137	1.74969281	
	66	45	2.6	1	44	30	66.75070890	1.74166932	
99	66	39	39	1	44	1.1	66.66084222	1.73363272	100
	66	45	2.6	1	44	30	66.75070891	1.74166929	
	66	45	31.5	1	39	5.8	66.75875246	1.65160921	
	66	40	8	1	38	36.9	66.66889870	1.64357849	
100	66	45	2.6	1	44	30	66.75070891	1.74166929	100
	66	50	26.1	1	44	58.9	66.84058138	1.74969278	
	66	50	55	1	39	34.7	66.84861198	1.65962708	
	66	45	31.5	1	39	5.8	66.75875246	1.65160921	

Annex II

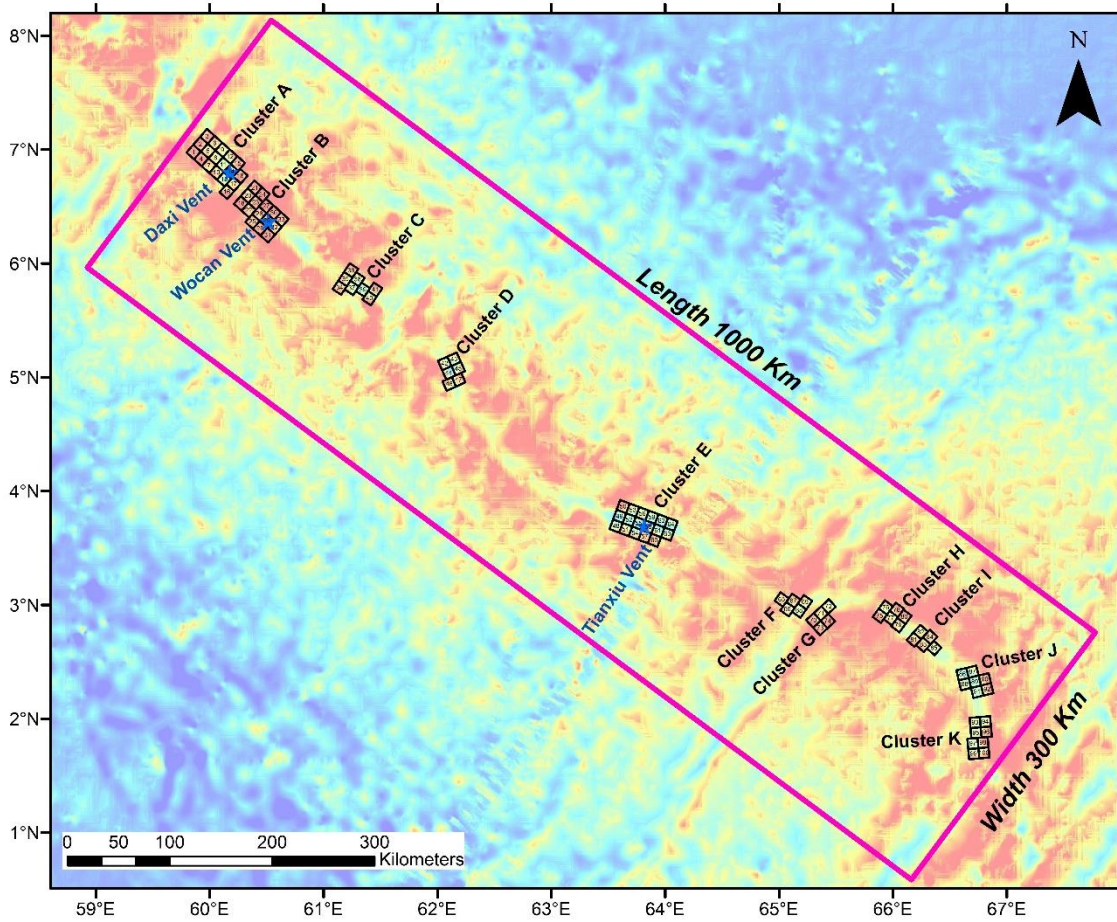
Map showing the location of the area under application
(rectangular area of 300,000 km² where the longest side does not exceed 1,000 km in length)



Abbreviations: CR, Carlsberg Ridge; CIR, Central Indian Ocean Ridge; SEIR, South-east Indian Ridge; SWIR, South-west Indian Ridge.

 Location of area under application.

Map of the area under application showing the location of clusters and blocks in a rectangular area of 300,000 km² enveloping 11 clusters and 100 blocks





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Report of the Secretary-General on the implementation of the decision of the Council in 2023 relating to the reports of the Chair of the Legal and Technical Commission

Implementation of the decision of the Council in 2023 relating to the reports of the Chair of the Legal and Technical Commission

Report of the Secretary-General

I. Background

1. At its 312th meeting, on 8 November 2023, the Council of the International Seabed Authority adopted a decision relating to the reports of the Chair of the Legal and Technical Commission ([ISBA/28/C/27](#)). In paragraph 19 of the decision, the Council requested the Secretary-General to report to it on the implementation of the decision at its twenty-ninth session, and that such annual reporting remain on the agenda of the Council as a standing item.

2. Part II of the present report provides information on the steps taken by the Secretary-General in response to specific requests made by the Council in its decision. Part III contains details of the work carried out by the Commission to address various requests of the Council. Part IV provides an update on the status of the voluntary trust fund, which supports the participation of developing States in the meetings of the Commission and of the Finance Committee.

II. Actions to be taken by the Secretary-General

3. In paragraph 4 of its decision, the Council welcomed the Secretary-General's engagement, through the Compliance Assurance and Regulatory Management Unit of the secretariat, with individual contractors on matters raised by the Commission and the secretariat's review of the responses of individual contractors, and requested the Secretary-General to continue the practice of communicating the various issues identified during the Commission's review of contractors' annual reports to the relevant contractors and sponsoring States, to follow up in writing with those



contractors that repeatedly perform 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 the sponsoring States to address it and to provide relevant information to the Council as necessary.

4. Following the usual practice, the Secretary-General conveyed the Commission's comments and recommendations to individual contractors after evaluating their annual reports. In response, contractors included their replies in the annual reports for 2023, which will be reviewed by the Commission during the second part of the twenty-ninth session. In addition, during the sixth annual consultation between the secretariat and contractors, held in Dar es Salaam, United Republic of Tanzania, from 22 to 24 October 2023, contractors were briefed on the annual and periodic reporting process. Discussions also covered potential ways to further streamline and improve responses to the Commission's feedback.

5. In paragraph 6 of the decision, the Council requested the Secretary-General to continue to report to it on an annual basis the instances of alleged non-compliance and regulatory action in accordance with the United Nations Convention on the Law of the Sea, the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 and the regulations on prospecting and exploration identified by the Commission, taking into account the results of the Secretary-General's consultation with contractors, and urged 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.

6. As at 27 June 2024, the Secretary-General has not identified any instances of alleged non-compliance by contractors regarding their operations at sea or the execution of their plans of work for exploration.

7. In paragraph 7 of the decision, the Council commended the progress made towards increasing the transparency of exploration contracts and requested the Secretary-General to continue to pursue dialogue with contractors who have not yet submitted public templates on their plans of work.

8. In June 2024, the secretariat successfully concluded its comprehensive data management review and reporting template training sessions. These sessions engaged data managers and scientific experts from various contractor organizations, aiming to enhance their proficiency in utilizing the DeepData platform and associated reporting templates. The primary objective of the training efforts was to improve both the quantity and quality of data submitted by contractors.

III. Actions to be taken by the Legal and Technical Commission

9. In paragraph 5 of its decision, the Council reaffirmed with renewed urgency its request to the Commission to annually name those contractors that have responded insufficiently or incompletely, or failed to respond, to the calls from the Council to address issues of concern identified by the Commission in relation to their contractual obligations (see [ISBA/27/C/44](#)), noted that such information is important to assist the Council with respect to compliance, and also noted that the Commission has considered this request and will consider the matter during the first part of the twenty-ninth session, with the aim of naming contractors that either do not respond or respond insufficiently or incompletely during the next reporting cycle.

10. During the first part of the twenty-ninth session, following the Council's request, the Commission adopted the criteria for assessing the responses of contractors to concerns identified by the Commission in relation to their contractual obligations, with the aim of naming contractors that have responded inadequately, or failed to respond, in the next reporting period (see [ISBA/29/LTC/5](#)). The assessment is undertaken for each contractor that received a notification from the Secretary-General of concerns identified by the Commission in relation to its contractual obligations arising from the review of its annual report.

11. In paragraph 9 of its decision, the Council took note of the Commission's development of a draft procedure and criteria for consideration of a request for the transfer of rights and obligations under a contract for exploration, and requested the Commission to continue to revise its draft once the Council has considered issues relating to the transfer of rights and obligations under a contract for exploitation in the draft regulations for exploitation, as well as relevant issues related to effective control. The Commission has taken note of the Council's request.

12. In paragraph 10 of its decision, the Council expressed its appreciation for the Commission's work on revising the draft standardized procedure for the development, review and approval of regional environmental management plans and the template with the minimum requirements, including the Commission's preliminary consideration of the written submissions received from delegations and the Commission's decision to continue this work, requested the Commission to prioritize this work as a matter of urgency and to report back to it at the twenty-ninth session with a revised standardized framework, including the standardized procedure and template, with the objective of its adoption by the Council so that regional environmental management plans can be adopted in accordance with the standardized procedure and template.

13. In the report of the Chair of the Commission on the work of the Commission during the first part of its twenty-ninth session (see [ISBA/29/C/7](#), sect. IV.C), the Commission informed the Council that it had made progress on developing a standardized procedure for the creation, establishment and review of regional environmental management plans. This work was carried out through intersessional meetings in September and November 2023, as well as during the first part of the twenty-ninth session. The Commission will continue to address this matter during the second part of the twenty-ninth session, and it is anticipated that it will report its findings to the Council accordingly.

14. In paragraph 11 of its decision, the Council welcomed the work done by the Commission to implement Council decision [ISBA/27/C/42](#) relating to the development of binding environmental threshold values, requested the Commission to report to the Council on the next steps foreseen for the Intersessional Expert Group and its subgroups, and highlighted the need to conduct an inclusive and transparent process in the development through these groups.

15. At its meetings during the first part of the twenty-ninth session, the Commission took note of the progress made with respect to the development of environmental threshold values, including meetings of the subgroups of the Intersessional Expert Group held in December 2023 and February 2024. It is anticipated that the Commission will report further on this matter at the second part of the twenty-ninth session.

16. In paragraph 12 of its decision, the Council expressed its appreciation for the Commission's work on the development of the draft regional environmental management plan for the Area of the northern Mid-Atlantic Ridge, and requested the Commission to review the draft after the standardized procedure for the development, review and approval of regional environmental management plans and the template

have been adopted by the Council, in the light of the Council's comments. The Commission has taken note of this request.

17. In paragraph 13 of its decision, the Council stated that it appreciated the clarification by the Commission of the criteria for the use of the silence procedure in the adoption of decisions, including its confirmation that thorough discussions within the Commission will always take place before any document is placed under silence procedure, as the procedure is a means for decision-making at the end of, and not a substitute for, the consultation process in the Commission, as well as the publication of the step-by-step process for the Commission to reach consensus on any draft recommendation or draft report, and requested the Commission to provide further clarifications on any issues for which the silence procedure may not be used and how the silence procedure is used consistently with its rules of procedure.

18. During the reporting cycle, the Commission did not use the silence procedure for decision-making. Should the Commission decide to employ the silence procedure in the future, it will continue to follow the guidelines outlined in annex I to document [ISBA/28/LTC/5](#).

19. In paragraph 14 of its decision, the Council welcomed the Commission's updates to the process for reviewing environmental impact statements in relation to the testing of mining components or other activities requiring an environmental impact assessment during exploration, and invited the Commission to consider holding consultations with stakeholders on the revised guidance document. The Commission took notice of the Council's suggestion.

20. In paragraph 15 of its decision, the Council noted the importance of transparency in the Authority, recalled its request to the Commission to hold open meetings, where appropriate, so as to allow for greater transparency in its work, in that regard welcomed the Commission's initiative in holding an informal dialogue in the margins of the second part of the Council's twenty-eighth session, and encouraged the Commission to continue this practice.

21. The Commission will hold an informal dialogue with members and observers on 15 July 2024, during the second part of the twenty-ninth session. Furthermore, on 18 July 2024, the Chair of the Commission will present a report to the Council on the Commission's work during the second part of the twenty-ninth session.

22. In paragraph 16 of its decision, the Council requested the Commission to provide recommendations to the Council on how the procedures of the Commission could be further improved to provide for more transparency while maintaining its effective operation and recognizing the need to ensure the confidentiality of data and information. The Commission has taken note of this request.

IV. Status of contributions to the voluntary trust fund to support the participation of members of the Legal and Technical Commission

23. In paragraph 18 of its decision, the Council called for contributions to the voluntary trust funds to support the participation of developing States in the Authority's meetings, including those of the Council, the Commission and the Finance Committee. As of the second part of the twenty-ninth session, the voluntary trust fund for the participation of members of the Commission and of the Finance Committee has been exhausted, making it unable to provide assistance to all applicants and jeopardizing the Commission's ability to function effectively. Owing to general increases in the cost of air tickets, as well as the significant increase in the

daily subsistence allowance for Kingston, the secretariat estimates that approximately \$190,000 will be needed to support the participation of all eligible members of the Commission and of the Finance Committee in the second part of the twenty-ninth session. For the Commission's meetings in the first part of the session, approximately \$170,000 was required .

V. Recommendations

24. The Council is invited to take note of the present report and to provide such guidance as may be necessary.



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**Status of contracts for exploration and related matters,
including information on the periodic review of the
implementation of approved plans of work for exploration**

Report on the relinquishment of 50 per cent of the area allocated to the Federal Institute for Geosciences and Natural Resources under the contract for exploration for polymetallic sulphides signed with the International Seabed Authority

Note by the secretariat

1. The contract for exploration for polymetallic sulphides between the Federal Institute for Geoscience and Natural Resources (BGR) and the International Seabed Authority was signed on 6 May 2015. The area under the contract covers 10,000 km².
2. Pursuant to the schedule for fulfilling relinquishment obligations in regulation 27 (2) of the regulations on prospecting and exploration for polymetallic sulphides in the Area ([ISBA/16/A/12/Rev.1](#), annex), by the end of the eighth year from the date of the contract, the contractor shall have relinquished at least 50 per cent of the original area allocated to it, and by the end of the tenth year, at least 75 per cent of the original area.
3. Pursuant to regulation 27 (2), the contractor was required to relinquish at least 50 per cent of its allocated area by 6 May 2023 (i.e. the end of the eighth year). On 15 December 2020 and 18 March 2022, however, BGR requested to defer its scheduled relinquishments owing to the impacts of the coronavirus disease (COVID-19) pandemic on its operational activities (see [ISBA/27/LTC/4](#)), whereupon the Council decided to defer the schedule of the first and second relinquishments by one year, to 6 May 2024 and 6 May 2026, respectively (see [ISBA/27/C/19](#)). By a letter dated 16 April 2024, the contractor submitted to the Secretary-General information on the relinquishment of 50 per cent of the area allocated under the contract, with cartographic material that included shapefiles of relinquished and remaining cells and an overview map with the remaining exploration areas.



4. During the second part of the twenty-ninth session, held from 1 to 12 July 2024, on the basis of the technical review carried out by the secretariat, the Legal and Technical Commission noted that the contractor had complied with its relinquishment obligations pursuant to the applicable regulations and the recommendations for the guidance of contractors on the relinquishment of areas under exploration contracts for polymetallic sulphides or cobalt-rich ferromanganese crusts (ISBA/25/LTC/8).

5. The relinquished area, the maps of which are available at www.isa.org.jm/wp-content/uploads/2024/06/0000-BGRSPMS1-1stRelinq-Entire-scaled.jpg, consists of 1 km x 1 km cells within 100 blocks, varying from 0 to 800 cells in each cluster. A total of 5,000 cells were relinquished from 100 blocks within 12 clusters.

6. The relinquished area has reverted to the Area.

7. The Council is invited to take note of the present note.



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Agenda item 7

**Status of contracts for exploration and related matters,
including information on the periodic review of the
implementation of approved plans of work for exploration**

Report on the relinquishment of two thirds of the area allocated to the China Ocean Mineral Resources Research and Development Association under the contract for exploration for cobalt-rich ferromanganese crusts signed with the International Seabed Authority

Note by the secretariat

1. The contract for exploration for cobalt-rich ferromanganese crusts between the China Ocean Mineral Resources Research and Development Association (COMRA) and the International Seabed Authority was signed on 29 April 2014. The area under the contract covers 3,000 km².
2. Pursuant to the schedule for fulfilling relinquishment obligations in regulation 27 (1) of the regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area ([ISBA/18/A/11](#), annex), by the end of the eighth year from the date of the contract, the contractor shall have relinquished at least one third of the original area allocated to it.
3. Accordingly, on 8 May 2022, the contractor submitted to the secretariat a report on the relinquishment of one third of the area allocated under the contract, including a list of relinquished cells and maps of the relinquished areas. The Council, acting on the recommendations of the Legal and Technical Commission, took note that the contractor had fulfilled the first part of the schedule of relinquishment obligations pursuant to regulation 27 (1). The relinquished area reverted to the Area.
4. Pursuant to regulation 27 (1), the contractor was required to relinquish at least two thirds of its allocated area by 28 April 2024 (i.e. the end of the tenth year). By a letter dated 26 April 2024, the contractor submitted to the Secretary-General cartographic material that included shapefiles of relinquished and remaining cells and an overview map with the remaining exploration areas.



5. During the second part of the twenty-ninth session, held from 1 to 12 July 2024, on the basis of the technical review carried out by the secretariat, the Commission noted that the contractor had complied with its relinquishment obligations pursuant to the applicable regulations and the recommendations for the guidance of contractors on the relinquishment of areas under exploration contracts for polymetallic sulphides or cobalt-rich ferromanganese crusts ([ISBA/25/LTC/8](#)).
6. The second relinquished area, the maps of which are available at www.isa.org.jm/wp-content/uploads/2024/06/0010-COMRACRFC1-2ndRelinq-Entire-scaled.jpg, consists of 1.12 km x 1.12 km cells within 100 original blocks, varying from 27 to 797 cells in each cluster. A total of 1,600 cells were relinquished from 150 blocks within four clusters.
7. The relinquished area has reverted to the Area.
8. The Council is invited to take note of the present note.



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**Status of contracts for exploration and related matters,
including information on the periodic review of the
implementation of approved plans of work for exploration**

Report on the relinquishment of two thirds of the area allocated to the Japan Oil, Gas and Metals National Corporation under the contract for exploration for cobalt-rich ferromanganese crusts signed with the International Seabed Authority

Note by the secretariat

1. The contract for exploration for cobalt-rich ferromanganese crusts between the Japan Oil, Gas and Metals National Corporation (JOGMEC) and the International Seabed Authority was signed on 27 January 2014. The area under the contract covers 3,000 km².
2. Pursuant to the schedule for fulfilling relinquishment obligations in regulation 27 (1) of the regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area ([ISBA/18/A/11](#), annex), by the end of the eighth year from the date of the contract, the contractor shall have relinquished at least one third of the original area allocated to it, and by the end of the tenth year, at least two thirds of the original area.
3. Accordingly, on 27 December 2021, the contractor submitted to the secretariat information on the relinquishment of one third of the area allocated under the contract, including a list of relinquished cells and maps of the relinquished areas. The Council, acting on the recommendations of the Legal and Technical Commission, took note that the contractor had fulfilled the first part of the schedule of relinquishment obligations pursuant to regulation 27 (1) (see [ISBA/27/C/17](#) and [ISBA/27/C/21](#), para. 38). The relinquished area reverted to the Area.
4. Pursuant to regulation 27 (1), the contractor was required to relinquish at least two thirds of its allocated area by 26 January 2024 (i.e. the end of the tenth year). By a letter dated 26 January 2024, the contractor submitted to the Secretary-General cartographic material that included shapefiles of relinquished and remaining cells and



an overview map with the remaining exploration areas. However, on 12 March 2024, the contractor resubmitted cartographic material, including shapefiles of relinquished and remaining cells and an overview map, to the Secretary-General, reporting a slight error in the earlier submission regarding the cells to be relinquished in that it had included in the second relinquishment a cell that had already been relinquished in the first relinquishment.

5. During the second part of the twenty-ninth session, held from 1 to 12 July 2024, on the basis of the technical review carried out by the secretariat, the Commission noted that the contractor had complied with its relinquishment obligations pursuant to the applicable regulations and the recommendations for the guidance of contractors on the relinquishment of areas under exploration contracts for polymetallic sulphides or cobalt-rich ferromanganese crusts ([ISBA/25/LTC/8](#)).

6. The second relinquished area, the maps of which are available at www.isa.org/jm/wp-content/uploads/2024/06/0010-JOGMEC2ndRelinq-Entire-scaled.jpg, consists of 1 km x 1 km cells within 150 original blocks, varying from 20 to 293 cells in each cluster. A total of 1,000 cells were relinquished from 150 original blocks within eight clusters.

7. The relinquished area has reverted to the Area.

8. The Council is invited to take note of the present note.



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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.



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Agenda item 16

Budget of the International Seabed Authority

Decision of the Council of the International Seabed Authority relating to the budget of the International Seabed Authority for the financial period 2025–2026

The Council of the International Seabed Authority,

Taking into account the recommendations of the Finance Committee of the International Seabed Authority,¹

Noting that nothing in this decision will in any way create a precedent for other decisions of the Council related to budgetary matters,

1. *Submits* the budget for the financial period 2025–2026, in accordance with article 162, paragraph 2 (r), of the United Nations Convention on the Law of the Sea, for the consideration of the Assembly of the International Seabed Authority, in the amount of \$26,427,000, as proposed by the Secretary-General in document [ISBA/29/A/3/Add.1-ISBA/29/C/11/Add.1](#) and as recommended by the Finance Committee;

2. *Also recommends* that the Assembly adopt the following draft decision [that may include the following paragraphs]:

The Assembly of the International Seabed Authority

1. *Approves* the budget for the financial period 2025–2026, after its consideration;

2. *Decides* to increase the level of the Working Capital Fund by \$75,000 to \$825,000 to be collected over the financial periods 2025–2026 and 2027–2028;

3. *Authorizes* the Secretary-General to establish the scale of assessments for 2025 and 2026 on the basis of the scale used for the regular budget of the United Nations for the period 2022–2024, adjusted for differences in membership between the Authority and the United Nations, taking into account that the maximum assessment rate will be 22 per cent and the minimum rate 0.01 per cent;

¹ See [ISBA/29/A/9-ISBA/29/C/20](#).



4. *Also authorizes* the Secretary-General, for 2025 and 2026, to transfer between sections, subsections and programmes up to 15 per cent of the amount of each section, subsection or programme;

5. *Notes* that the agreed contribution by the European Union to the administrative budget of the Authority shall be \$150,000 per year, effective 1 January 2026;

6. *Urges* the members of the Authority to pay their assessed contributions to the budget as soon as possible, and in full;

7. *Notes with concern* the amounts of outstanding contributions, appeals once more to the members of the Authority to pay outstanding contributions to the budget of the Authority from previous years as soon as possible, and requests the Secretary-General, at his discretion, to continue his efforts to recover those amounts;

8. *Urges* member States that are in arrears in the payment of their financial contributions to the Authority for two full years, thus falling under article 184 of the United Nations Convention on the Law of the Sea, and that wish to exercise their voting rights to indicate their intention to do so as soon as possible;

9. *Urges* member States and other possible donors such as other States, contractors, relevant international organizations, academia, scientific and technical institutions, philanthropic organizations, corporations and private persons to make contributions to the voluntary trust funds of the Authority, and encourages the Secretary-General to redouble his efforts to raise awareness among stakeholders regarding this issue;

10. *Requests* the Secretary-General to implement the recommendations in paragraphs 19 and 20 of the report of the Finance Committee² without delay;

11. *Reminds* all organs of the Authority that, in accordance with regulation 13 of the Financial Regulations of the Authority, decisions by the Assembly having financial or budgetary implications shall be based on the recommendations of the Finance Committee.

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² Ibid.



Council

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Kingston, 15–26 July 2024
Agenda item 21

Proposal to the Assembly of a list of candidates for the election of the Secretary-General

Decision of the Council of the International Seabed Authority concerning the candidates for the election of the Secretary-General

The Council of the International Seabed Authority,

Acting in accordance with article 162, paragraph 2 (b), of the United Nations Convention on the Law of the Sea of 10 December 1982,

Proposes to the Assembly the following two candidates for election as Secretary-General:

<i>Names</i>	<i>Nominating States</i>
Leticia Reis de Carvalho	Brazil
Michael W. Lodge	Kiribati

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Agenda item 9

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

Decision of the Council of the International Seabed Authority relating to an application for approval of a plan of work for exploration for polymetallic sulphides by the Earth System Science Organization-Ministry of Earth Sciences of the Government of India

The Council of the International Seabed Authority,

Acting on the recommendation of the Legal and Technical Commission,

Noting that, on 18 January 2024, an application for approval of a plan of work for exploration for polymetallic sulphides along the Carlsberg Ridge in the Indian Ocean was submitted to the Secretary-General of the Authority in accordance with the regulations on prospecting and exploration for polymetallic sulphides in the Area¹ by the Earth System Science Organization-Ministry of Earth Sciences of the Government of India,

Recalling that, in accordance with paragraph 6 (a) of section 1 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 the processing of an application for approval of a plan of work for exploration shall be in accordance with the provisions of the United Nations Convention on the Law of the Sea,³ including annex III thereto, and the Agreement,

Recalling also that, pursuant to article 153, paragraph 3, of the Convention and paragraph 6 (b) of section 1 of the annex to the Agreement, the plan of work for exploration shall be in the form of a contract concluded between the Authority and the applicant,

Taking note of the advisory opinion of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea, of 1 February 2011,

¹ ISBA/16/A/12/Rev.1, annex.

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

³ *Ibid.*, vol. 1833, No. 31363.



1. *Takes note* of the report and recommendations of the Legal and Technical Commission to the Council relating to an application for approval of a plan of work for exploration for polymetallic sulphides by the Earth System Science Organization-Ministry of Earth Sciences of the Government of India,⁴ in particular paragraphs 40 to 44 thereof;

2. *Approves* the plan of work for exploration for polymetallic sulphides submitted by the Earth System Science Organization-Ministry of Earth Sciences of the Government of India;

3. *Requests* that the Secretary-General of the Authority issue the plan of work for exploration for polymetallic sulphides in the form of a contract between the Authority and the Earth System Science Organization-Ministry of Earth Sciences of the Government of India, in accordance with the regulations on prospecting and exploration for polymetallic sulphides in the Area.

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⁴ [ISBA/29/C/14](#).



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Agenda item 14

Report of the Chair of the Legal and Technical Commission on the work of the Commission at the first part of its twenty-ninth 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/28/C/27](#),

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-ninth session,¹ the hard work and considerable achievements of the Commission, and the report of the Secretary-General on the implementation of the decision of the Council in 2023 relating to the reports of the Chair of the Legal and Technical Commission;²

2. *Notes with appreciation* the Commission's consideration of annual reports on activities carried out by contractors in 2023, and that the Commission assessed the performance of all contractor activities during the twenty-ninth session, but notes that due to the disruption and delay to its work caused by Hurricane Beryl, it will continue working in the intersessional period on its assessment of contractor performance and will revert to this matter at the first part of the thirtieth session;

3. *Notes* that three contractors submitted their five-year periodic reports in the first half of 2024, which are currently under review, welcomes the development of a five-year periodic reporting template by the Commission, and invites contractors to prepare their periodic review reports on the basis of the template;

4. *Welcomes* the submission by contractors of their annual reports within the prescribed deadline, but expresses concern that some contractors have not complied with reporting requirements set out in the template issued by the Commission, and reiterates that contractors are required to report completely and in accordance with the reporting requirements of the Commission on activities in their contract area;

¹ [ISBA/29/C/7](#) and [ISBA/29/C/7/Add.1](#).

² [ISBA/29/C/15](#).



5. *Also welcomes* the Secretary-General's continued engagement, through the Compliance Assurance and Regulatory Management Unit of the secretariat, with individual contractors on matters raised by the Commission and the secretariat's review of the responses of individual contractors;

6. *Requests* the Secretary-General to continue the practice of communicating the various issues identified during the Commission's review of contractors' annual reports to the relevant contractors and sponsoring States, to follow up in writing with those contractors that repeatedly perform insufficiently 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 the sponsoring States to address it and to provide relevant information to the Council;

7. *Also requests* the Secretary-General to continue to report to the Council on an annual basis the instances of alleged non-compliance and regulatory action in accordance with the United Nations Convention on the Law of the Sea,³ the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982⁴ and the regulations on prospecting and exploration, identified by the Commission, inter alia taking into account the results of the Secretary-General's consultations with contractors, and urges the relevant sponsoring States to provide any information relating to such non-compliance and measures taken to ensure compliance under the relevant contracts for exploration, in accordance with article 139 of the Convention;

8. *Welcomes* the Commission's development of criteria for identifying contractors at risk of non-compliance with the aim of naming contractors that have responded inadequately, or failed to respond,⁵ and in view of its continuing request that any such contractors be named,⁶ in the annual report of the Secretary-General, and agrees to consider the ongoing implementation of the criteria at its next session;

9. *Also welcomes* the training programmes and opportunities offered by contractors, pursuant to their contracts for exploration with the Authority, since the twenty-eighth session and the continued efforts to increase gender balance through the selection of candidates for training opportunities;

10. *Recalls its request* for the Commission to revise its draft procedure and criteria for consideration of a request for the transfer of rights and obligations under a contract for exploration,⁷ once the Council has considered issues relating to the transfer of rights and obligations under a contract for exploitation in the draft regulations for exploitation, as well as relevant issues related to effective control;

11. *Welcomes* the Commission's considerations on certification of origin for minerals derived from the Area and its draft regulation on this issue⁸ proposed for inclusion in the draft regulations on exploitation currently under review by the Council, with further elaboration in the standards and guidelines;

12. *Expresses its appreciation* for the Commission's work on revising the draft standardized procedure for the development, establishment and review of regional environmental management plans, the template with the minimum requirements, and the recommendations on technical guidance to support the practical implementation of

³ United Nations, *Treaty Series*, vol. 1833, No. 31363.

⁴ *Ibid.*, vol. 1836, No. 31364.

⁵ [ISBA/29/LTC/5](#).

⁶ See [ISBA/27/C/44](#).

⁷ See [ISBA/27/C/35](#).

⁸ [ISBA/29/C/7](#), annex.

the standardized procedure and template, invites member States and observers of the Authority to provide comments in writing within 90 days of the adoption of the present decision, to be submitted to the Authority for the Commission's consideration, and requests the Commission to submit the revised documents with the rationale for its decisions to the Council before the first part of the thirtieth session;

13. *Also expresses its appreciation* for the Commission's work on the development of the draft regional environmental management plan for the Area of the northern Mid-Atlantic Ridge, and requests the Commission to review the draft in the light of its standardized procedure and template for the development, establishment and review of regional environmental management plans, once adopted by the Council, and to ensure that all regional environmental management plans, including the plans under consideration for the Area of the north-west Pacific Ocean and the Indian Ocean, are developed in accordance with the standardized procedure and template;

14. *Welcomes* the significant progress made by the Commission in developing binding environmental threshold values, pursuant to Council decision [ISBA/27/C/42](#);

15. *Reiterates* the importance of transparency in the Authority, and urges the Commission to hold open meetings, where appropriate and in accordance with the rules of procedure of the Commission, while maintaining its effective operation and recognizing the need to ensure the appropriate confidentiality of data and information, so as to allow for greater transparency in its work, and in that regard welcomes the Commission's holding of an informal open dialogue in the margins of the second part of the Council's twenty-ninth session;

16. *Welcomes* the significant progress made in relation to data management at the Authority and the ongoing work of the secretariat and the Commission to this end;

17. *Calls for* contributions to the voluntary trust funds to support participation in the meetings of the Authority by developing States, including in the Council, the Legal and Technical Commission and the Finance Committee, and requests the Secretary-General to report on the amount available in each fund at the start and end of each reporting period, as well as a breakdown, by meeting, of the number of developing States that have received support from the funds;

18. *Requests* the Secretary-General to clarify the procedures and practices, including the timing, relating to communications to members of the Authority and to the Commission regarding prospecting activities in the Area.

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