

**Thirty-first session**

Council session, part I

Kingston,

9-20 March 2026

**Draft decision of the Council of the International Seabed Authority relating to the establishment of a Compliance Committee**

*The Council of the International Seabed Authority,*

*Recalling* its competence to exercise control over activities in the Area for the purpose of securing compliance in accordance with article 153, paragraph 4, of the United Nations Convention on the Law of the Sea (hereinafter the “Convention”),<sup>1</sup> and the rules, regulations and procedures of the Authority, and the right to inspect which is established in article 153 (5) of the Convention,

*Recalling also* that pursuant to articles 158(3) and 162 (2) (d) of the Convention the Council has the power to establish, as appropriate, and with due regard to economy and efficiency, such subsidiary organs as it finds necessary for the exercise of its functions in accordance with Part XI of the Convention,

*Referring* to its competence to establish appropriate mechanisms for directing and supervising a staff of inspectors as provided for in article 162 (2) (z) of the Convention,

*Referring* to the competence of the Legal and Technical Commission as provided for in article 165 (2) (c), (m) and (3) of the Convention,

1. *Decides* that a Compliance Committee [shall be]/[hereby is] established (“the Committee”) as a subsidiary organ of the Council to assist the Council in carrying out its responsibility to exercise control over activities in the Area for the purpose of securing compliance as provided for under Part XI of the Convention.

3. *[Decides* that the Committee shall assist the Council to ensure compliance with and enforcement of the rules, regulations and procedures of the Authority as well as the Exploration and Exploitation Contracts,, through:

(a) development of the Authority’s Compliance Strategy for the Council’s approval;

(b) implementation and periodic review of the Authority’s Compliance Strategy;

(c) monitoring compliance of individual contractors;

(d) making recommendations to the Council for enforcement actions, or directly taking enforcement measures where mandated to do so by the rules, regulations and procedures of the Authority or by direction of the Council; and

(e) advising the Council on systemic compliance risks.]

4. *Decides* also that except where expressly mandated by the Council to take decisions, such as, but not limited to, through the assignment of the competence to take measures to the Committee under the rules, regulations and procedures as adopted by the Council, the Committee shall have an advisory and recommendatory role.

4. bis. *Instructs* that the Committee is accountable to the Council, shall follow any directive of the Council, and shall report at least annually to the Council.

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1833, No. 31363.

[5. *Further* decides that the Committee is empowered to:

(a) request information from contractors, the Secretariat and other subsidiary organs to the Council;

(b) collaborate or share information as appropriate with other competent authorities, acting through the Secretary-General;

(c) where resources and practicalities allow, have member(s) accompany [inspection visits].

(d) [convene hearings;]

(e) request expert input or training;

(f) issue Standards and Guidelines relating to [inspections], compliance or enforcement matters.]

5. *bis* *Directs* that in performing any of its functions, the Committee shall apply the principles of independence, transparency, accountability, expertise, proportionality and probity, and act consistently with the Convention and the rules, regulations and procedures of the Authority.

5. *ter* *Requires* that the Committee shall conduct public consultations on core instruments it develops or revises, such as the Authority's Compliance Strategy.

6. *Establishes* that the procedure for nomination of candidates for the election of the Compliance Committee shall be as follows:

(a) at least six months before the opening of the session of the International Seabed Authority at which the election is to be held, the Secretary-General shall address a written invitation to all members of the Authority to submit their nominations of candidates for election to the Compliance Committee;

(b) nominations for election to the Committee shall be accompanied by a statement of qualification or curriculum vitae setting out the candidate's qualifications and expertise in fields relevant to the work of the Committee and shall be received not less than three months prior to the opening of the relevant session of the Authority; nominations received less than three months prior to the opening of the relevant session of the Authority will not be accepted; and

(c) the Secretary-General shall prepare a list in alphabetical order of the persons nominated for election to the Committee in accordance with paragraph (a) above, indicating the nominating member of the Authority, and containing an annex with the statements of qualification or curricula vitae submitted in accordance with paragraph (b) above; the list shall be circulated to all members of the Authority not less than two months prior to the opening of the session at which the election is to be held.

7. *Decides* that the Committee shall formulate its own Rules of Procedure and submit these to the Council for approval. The Rules of Procedure should enable agile working by the Committee that can accommodate urgent matters.

8. *Decides* that the Council shall elect [no more than] [15] members for a five-years [once renewable term] from among the candidates nominated by the members of the Authority [or who may apply through an application process managed by the Secretariat]. Members of the Committee shall be elected on the basis of:

(a) the highest standards of competence and integrity;

(b) qualification in relevant fields, including compliance, inspection and enforcement;

(c) specialized expertise relevant to activities in the Area;

(d) gender balance; and

(e) a balance across the membership of different necessary competences for the effective exercise of the functions of the Committee, and with due account for equitable geographical distribution and the representation of special interest.

9. *Stresses* that the members of the Compliance Committee shall serve in an independent and personal capacity and shall not serve in [any other organs of the Authority or as a member of any delegation]. Members of the Committee shall have no financial interest in any activity relating

to exploration and exploitation in the Area, and in particular shall not work for entities that hold exploration or exploitation contracts with the Authority, nor have worked for them in the two years prior to election to the Committee.

10. *Underlines* that the Members of the Committee shall be subject to the Authority's code of conduct.

11. *Requests* that the [Chief Inspector of the Authority] shall report to and be accountable to the Committee.

12. *Decides* that the Committee shall prepare and submit a Compliance Strategy to the Council for consideration and approval, which shall be reviewed every 5 years.

13. *Stresses* that the functioning of the Compliance Committee shall not prejudice the competence of the Legal and Technical Commission under the Convention. For that purpose, the Compliance Committee and the Commission shall consult, and cooperate, without any delay, with each other to avoid potentially overlapping competences. [In the event of issues arising from such overlapping competences the two bodies shall jointly or separately report such issues to the Council which shall determine a solution.]

14. *Requests* the Secretary-General to provide administrative support to the Compliance Committee.