



## Council

Advance Unedited Version  
19 March 2026

English only

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### Thirty-first session

Council session, part I

Kingston, 9–20 March 2026

Agenda item 13

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

## Decision of the Council relating to the report of the Legal and Technical Commission on the implementation of the Council's decision relating to a request of additional information from contractors at risk of non-compliance with their contractual obligations (ISBA/30/C/19)

*The Council of the International Seabed Authority,*

*Recalling* the relevant provisions of the United Nations Convention on the Law of the Sea, in particular Part XI and Annex III, and the 1994 Agreement relating to its implementation;

*Recalling also* its Decision ISBA/30/C/19;

*Appreciative* of the report of the Legal and Technical Commission and its addendum contained in ISBA/31/C/4/Add.1;

*Noting* the Commission's assessment that the inquiry conducted pursuant to Decision ISBA/30/C/19 is consistent with the Convention, the 1994 Agreement and the Standard clauses for exploration contracts, including section 10.3;

*Reaffirming* the due diligence obligations of the Sponsoring State under the Convention for ensuring compliance by its sponsored contractors;

*Noting* that all 21 contractors responded to the Secretary-General's request and reported no incidents, activities or events that may place them at risk of non-compliance, as reflected in ISBA/31/C/4/Add.1;

*Further noting* that identification for "specific attention to possible non-compliance" as reflected in ISBA/31/C/4/Add.1 is a preliminary step and does not constitute a finding of non-compliance;

1. *Reminds* all Exploration contractors of their contractual obligations, as described in paragraph 5 of the Commission's report, including but not limited to the respect for and compliance with Part XI of the Convention, the 1994

Agreement and other rules of international law not incompatible with the Convention, rules, regulations and procedures of the Authority and decisions of the organs of the Authority, as well as of the exclusivity of their exploration rights;

2. *Reminds* all Sponsoring States of their due diligence obligations according to articles 139, 153(4) and 4(4) Annex III of the Convention, as interpreted by the ITLOS Seabed Disputes Chamber in its Advisory opinion of 2011;

3. *Takes note* of the Commission's identification of contractors requiring specific attention under section 27 of the Standard clauses and its ongoing requests for additional information and awaits its report on the issue during the second part of its thirty-first session;

4. *Supports* the Commission's intent to continue its inquiry in accordance with the Commission's mandate under the Convention and relevant rules, regulations and procedures of the Authority, and the Council Decision ISBA/30/C/19 and awaits its report and recommendations, and requests the Commission in taking the matter forward:

a. to consider information obtained as a result of the Secretary-General's inquiry to contractors, any other relevant information that may be held, obtained, or received by the Authority, as well as publicly available information, as may be deemed appropriate by the Commission;

b. to continue to ensure due process, transparency and fairness at every stage in the conduct of this inquiry, including by providing contractors and Sponsoring States with the right to respond.

5. *Requests* the Secretary-General to request Sponsoring States whose sponsored contractors are identified by the Commission in accordance with Decision ISBA/30/C/19 to provide additional information on:

a. How they intend to ensure that their sponsored contractors comply with all applicable obligations under the Convention; and

b. The measures they will take to ensure that the exclusive exploration rights of the contractors remain within the limits of the Convention and of the Authority's mandate;

6. *Requests* the Secretary-General to continue to support the Commission in carrying out its functions of supervision and inspection in accordance with the Convention, the 1994 Agreement and the Authority's rules, regulations and procedures including by facilitating information sharing with Sponsoring States;

7. *Invites* the Chair of the Commission to provide responses to the questions posed by Council Members in respect of the Commission's Report ISBA/31/C/4/Add.1. during the first part of the Council's 31<sup>st</sup> Session as soon as practicable and to the extent appropriate;

8. *Notes* that any additional information sought under paragraph 5 shall be targeted at matters necessary to address the issues identified by the Commission;

9. *Further notes* that any additional information provided under this decision shall be treated in accordance with applicable confidentiality rules and without prejudice to any rights under the Convention, the 1994 Agreement, and the rules, regulations, and procedures of the Authority.

354<sup>th</sup> Meeting  
19 March 2026