

Establishment of a Compliance Committee as a subsidiary organ of the Council

Note by the Informal Working Group on ICE

1. From the outset, it should be underlined that this is a working document which has been prepared for purposes of assisting and providing input to an actual decision of the Council in relation to the establishment of the Compliance Committee.
2. This current version of the draft decision is modelled on the basis of the draft decision submitted by the working group on 1 December 2026 (ISBA/31/C/CRP.5) and implements written proposals received during the meeting of the group on 13 March 2026 and written proposals received since the meeting on 13 March 2026 and until and including 15 March 2026. The mark-up text in the draft decision reflects these recent written textual proposals.
3. To ease discussions in the informal meeting on 17 March 2026 a short summary of the meeting on 13 March follows below:
 - There was broad and clear convergence among delegations that the Compliance Committee should be established through a Council decision.
 - A strong majority expressed the view that this decision should be adopted prior to, or at least simultaneously with, the adoption of the exploitation regulations.
 - Several delegations emphasized that early establishment would allow time for the Committee to be operationalized and ready to function from the outset.
 - On the scope of the mandate, there was widespread support for a mandate not limited to exploitation. Several delegations noted that the broader mandate should be reflected in the Council decision, while the exploitation regulations should address exploitation-specific matters.
4. During the informal meeting on 17 March 2026, Norway suggest reviewing this revised draft decision and receive comments from delegations in order to intersessionally work on finalizing the draft decision. Written proposals are particularly welcomed.

Annex

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”),¹ 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,

~~[Further recalling the evolutionary approach introduced by the 1994 Agreement and taking into account the functional needs of the relevant organs and subsidiary bodies, so that they can effectively fulfil their respective responsibilities at the various stages of activity development in the Area.]~~

~~[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) (e), (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 ~~[and the 1994 Agreement. The Committee shall exercise its functions in accordance with the guidance and directives established by the Council]~~.

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][consideration] [of the Council]~~;

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

(c) monitoring compliance of individual contractors; ~~and~~

(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.].]~~

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

4. *Decides* ~~that, 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.

~~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 with Contractors according to the Compliance Strategy;]~~

~~[(e) request expert input or training;]~~

(f) ~~[issue][recommend]~~ Standards and Guidelines relating to ~~[inspections]~~, compliance or enforcement matters, ~~[for the Council's considerations].~~

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, the 1994 Agreement 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][to]~~ 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][Member States]~~ 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~~ [Member States] [~~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]~~[Council].

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~~ [exercise of the functions] of the Legal and Technical Commission under the Convention and the 1994 Agreement. For that purpose, the ~~Compliance~~ Committee and the Legal and Technical Commission shall consult, and cooperate, without any delay, with each other to avoid potentially overlapping [in the exercise of their respective] 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.