

Work summary and way forward on Seabed Mining Register Ref. FOP DR 92-India; Key issue 24, Council discussion 9th March 2026

On taking up DR 92 i.e Seabed Mining Register as FOP work during the July 2025 Council session, our initial assessment revealed that DR 92 requires streamlining and alignment with other DRs, as mentioned elsewhere about the SMR, which includes some aspects of the DR to be included in the SMR. We have identified these required areas and have prepared a table to cross-check whether the same has been again referred in the paragraphs of DR 92 or not. Some anomalies were noted, indicating the need for proper alignment. To avoid any mismatch, it was felt to seek the view of other delegations on the requirements of pre-reference in the other DR for the components of SMR mentioned in DR 92. Moreover, the need to seek the view of the delegations was also felt, regarding the addition of any new component or para which is to be included in the DR 92, or whether any DR missed mentioning for its inclusion in the SMR under a para in the respective DR? The relevance and status quo of other types of Registers like the incident register and the mining discharge register, with the SMR, needed clarity and thought of obtaining the view of the delegations on this matter too. With the above-described points, an intersessional work was conducted seeking input through the Secretariat via email from all delegations on the following questions and their general understanding about the SMR. The questions and consolidated responses are summarized below:

Point 1: Whether the information list mentioned in the sub-paragraphs under para 1 of DR. 92 should be pre-referred in the respective DRs across the exploitation regulation, stating in a separate para under the respective DRs that the matter is to be included in the SMR or vice versa. Say, if the matter related to DR 17 is a matter to be published in the DR 92, whether it is mandatory to be mentioned in a para of Dr 17 or not.

- The responses received from the delegation are of mixed nature. One group provided their view that it should only be mentioned in DR 92 in a comprehensive way, and all required elements of public documents should be included in the SMR. Another group strongly favored mentioning it in both places, the DR related to the matter should contain that it is to be included in SMR, and the element of that DR is to be included in DR 92, i.e., SMR. This cross-referencing in other regulations, and further mentioning in DR 92, has been suggested as good drafting practice. We consider that the Council may further discuss the matter to reach a consensus on whether including the regulation in the SMR is required or not.

Point 2: Whether other forms of registers mentioned across the regulation will be part of the SMR or not. If yes, separate nomenclatures like the Incidents Register, mining discharge register would be appropriate, and whether this could also be mentioned as SMR.

- The delegation that responded has overall supported that those registers should be separately maintained by the contractors on their end as a raw and detailed register. The

annual summary of these registers is to be included in the annual report, and the annual report should be published in the SMR. The group highlighted the importance of such information and supported referring to it as an integral part of the SMR.

Additionally, one delegation provided insight that how the SMR is to be envisaged, mentioning that the SMR should not be seen simply as a repository of information. It should also be seen as a legal tool for the authority and in line with the land-based mining contexts. One delegation proposed that one function of the SMR as a “titles register” should not be overlooked and should be structured in a meaningful way to give a chronological or categorical order of the information about the exploitation contract to be posted in the SMR to the possible extent. The suggestions also received are that the financial incentives registry should be included, and the Mining discharge register may not be relevant for inclusion in the SMR.

The input received from different delegations has given us a nice insight about the content of the regulation and has been very helpful in finalizing the document. We are grateful for their contributions. Finally, considering all the inputs received, we have revised, in fact, redrafted DR 92, and it is now part of the further revised consolidated text for consideration of the council for further deliberations. To make way forward on this DR 92 following points may be considered for further negotiations.

1. Should there be any major changes required on the present version of the DR 92 to match up with the expectations of a fast advancing trend in the arena of Information Technology and land-based mining register?
2. Should the DR 92 serve as an information repository for public utilization or beyond as a legal tool? If yes, is there a need for revising the relevant para of DR 92 dealing with redacting confidential information?
3. Should there be any new components of the exploitation contract to be included or any components to be deleted from the current list of SMR documents in DR 92?
4. Should there be any further restructuring of DR 92 required to maintain chronological or categorical order of the information related to exploitation contract?
5. Is the cross-referencing of the elements of SMR in DR 92 to be followed strictly or optionally across the exploitation regulations?

Moreover, we also request all delegations to carefully evaluate DR 92 and encourage them to submit textual modification/s and para-by-para comments, if any, to the Secretariat or bilaterally to FOP DR 92 (Sandip.m@gov.in) within the first week of Part I of the 31st session of the Council meeting. Based on the deliberations and input received during this Council, the final version of the DR 92 will be submitted. Finally, India intends to suggest that the DR 92 i.e SMR may be dropped from the list of key outstanding issues by the Council, if no objections are raised by delegations.