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Item 6 of the provisional agenda*

Guidelines for observer status of contractors with the Authority

Guidelines for observer status of contractors with the International Seabed Authority

Note by the Secretary-General

1. At its thirtieth session, the Assembly of the International Seabed Authority decided to defer to the thirty-first session its consideration of the application for observer status submitted by the Seafloor Mineral Developers Association¹ pursuant to rule 82, paragraph 1, (e) of its rules of procedure² and to the guidelines for observer status of non-governmental organizations with the International Seabed Authority³.
2. In addition, it was agreed that contractors could participate as observers in their individual capacity and not be treated differently from other stakeholders. Contractors were invited to submit applications for observer status to be granted by the Assembly. To this end, the Assembly requested that the secretariat prepare guidelines for observer status of contractors with the Authority, including a comparison with the rules of procedure of other intergovernmental organizations, such as the International Maritime Organization (IMO), to assist in the consideration of applications for observer status to be submitted by contractors from 2026. The present note has been prepared in response to that request.
3. Upon invitation of the Assembly, as at 20 May 2026, the following contractors have submitted a request for observer status for consideration by the Assembly at its thirty-first session: Global Sea Mineral Resources NV,⁴ Nauru Ocean Resources Inc.,⁵ Tonga Offshore Mining Limited⁶ and UK Seabed Resources Ltd.⁷

* ISBA/31/A/L.1.

¹ ISBA/30/A/INF/12.

² ISBA/A/6.

³ See ISBA/25/A/16, annex.

⁴ ISBA/31/A/INF/14.

⁵ ISBA/31/A/INF/12.

⁶ ISBA/31/A/INF/13.

⁷ ISBA/31/A/INF/15.



4. The guidelines for observer status of non-governmental organizations with the Authority were adopted to provide details of the application process, assessment criteria or review process against which the Assembly can assess the merits of applications for observer status to determine whether applicants have demonstrated their interest in matters under consideration by the Assembly.

5. It is important to recall that the guidelines for observer status of non-governmental organizations with the Authority were drawn from a comparison with similar guidelines established by other intergovernmental organizations, including mainly the IMO rules and guidelines for consultative status of non-governmental international organizations, initially adopted in 1961 and amended several times. The IMO rules and guidelines were adapted for the guidelines for observer status of non-governmental organizations to provide guidance on the implementation of rule 82 (1) (e) of the rules of procedure of the Assembly. The adjustments were made inter alia since rule 82 (1) (e) does not provide for non-governmental organizations being truly international. The drafting of the guidelines also considered guidelines on relations between the International Oil Pollution Compensation Fund and intergovernmental organizations and international non-governmental organizations.

6. Against this background, since the proposed guidelines for observer status of contractors with the Authority in annex I to the present note are drawn from the guidelines for observer status of non-governmental organizations, they also derive from the IMO rules and guidelines. Furthermore, research on comparison with existing rules and guidelines in other intergovernmental organizations has not resulted in specific rules nor guidelines for applications for observer status submitted by contractors. Comparison with IMO and the International Civil Aviation Organization, even though there are no contractors as such, like in the Authority, shows that industry representatives can attend meetings if they are part of intergovernmental organizations or non-governmental organizations observer delegations. There are also several umbrella organizations for various parts of the industry sectors that have observer status.

7. The purpose of the proposed guidelines for observer status of contractors with the Authority is to simplify the process of consideration of applications from contractors by providing a standardized format for applications. In doing so, the proposed guidelines also streamline the guidelines for observer status of non-governmental organizations with the Authority and focuses on the form and content of the application owing to the following considerations.

8. Firstly, for consideration of observer status requests from contractors, the issuance of a contract to conduct activities in the Area already provides the demonstration of interest in the work of the Assembly which is required from non-governmental organizations applying for observer status under rule 82 (1) (e) of the rules of procedure. Likewise, for intergovernmental organizations which are comprised of States, that interest is assumed by the very nature of that category and for this reason the request is straightforward and there is no need for detailed guidelines to streamline the process and assist the Assembly in its consideration of requests for observer status submitted by intergovernmental organizations. For these reasons, section II of the guidelines and section B of enclosure 1 of the guidelines for observer status of non-governmental organizations with the Authority which serve for the applicant to provide information to demonstrate interest in the work of the Assembly are unnecessary and have been removed for the proposed guidelines for contractors.

9. Secondly, contracts have a duration which makes the periodic review in the guidelines for observer status of non-governmental organizations with the Authority (section D and enclosure 2) inadequate in respect of contractors applying for observer status. Thus, these have been removed from the proposed guidelines for contractors.

10. Consideration has also been given to the fact that on 5 June 2000, prior to the signature of its contract with the Authority on 29 March 2001, the Interoceanmetal Joint Organization (IOM) submitted a letter to the Secretary-General of the International Seabed Authority requesting the status of observer to the Assembly of the Authority.⁸

11. Thirdly, it is noted that the proposed guidelines for contractors include similar information as that which is required from entities who apply for approval of a plan of work for exploration in the Area (see annex II to the Authority's three sets of regulations on prospecting and exploration).

Recommendation

12. The Assembly is invited to review, with a view to adoption, the draft guidelines for observer status of contractors with the Authority as contained in annex I to the present note, as well as the draft decision of the Assembly concerning those guidelines (annex II).

⁸ ISBA/7/A/INF/1.

Annex I

Guidelines for observer status of contractors with the International Seabed Authority

I. Purposes

1. The present guidelines are aimed at facilitating the assessment by the Assembly of requests for observer status submitted by contractors with the Authority.

II. Guidelines

A. Requests for observer status

2. The Assembly has extended invitations to participate as observers to Contractors with the Authority, in accordance with rule 82 (1) (e) of its rules of procedure, from 2026.

B. Format and content of applications

3. Each application for observer status shall be submitted in the format prescribed in the enclosure and shall be addressed to the Secretary-General of the International Seabed Authority

C. Submission of requests

4. The designated representative of contractors shall submit the request for observer status in writing no less than no less than three months before the opening of the session of the Assembly at which the request is to be reviewed. Each applicant will be invited to introduce the request and remain available to provide any further information during the consideration of the request by the Assembly.

Enclosure

Format and content of applications

Information about the contractor

1. Name of contractor
2. Address of headquarters
3. Addresses of all branches and/or regional headquarters
4. Telephone number
5. Fax number
6. Email address
7. Name, title and contact details of focal point
8. Background information on the contractor
9. Is the contractor a member of, affiliated to or otherwise associated with another entity that has been granted observer status with the Authority?
10. Is the contractor affiliated to consultants of the Authority, entities in connection with the law of the sea, the offshore and deep-sea mining industry, research institutes or the mineral marketing and processing industry?
11. Relationships with intergovernmental organizations
12. List of publications and/or other relevant documentation

Annex II

Draft decision of the Assembly on the guidelines for observer status of contractors with the International Seabed Authority

The Assembly of the International Seabed Authority,

Bearing in mind rule 82 of its rules of procedure¹ and the Guidelines for observer status of non-governmental organizations with the International Seabed Authority,²

Having invited contractors with the Authority to request observer status from 2026,³

Having considered the need to streamline the application and review process regarding requests for observer status submitted by contractors with the International Seabed Authority and to facilitate its consideration of requests for that status,

1. *Approves* the guidelines for observer status of contractors with the International Seabed Authority contained in the annex to the present decision;
2. *Requests* the Secretary-General to communicate this decision to all contractors with the Authority.

¹ ISBA/A/6.

² ISBA/25/A/16, annex.

³ ISBA/30/A/14, para. 12.