Assembly

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Statement by the President on the work of the Assembly of the International Seabed Authority at its thirty-first session

1. The thirty-first session of the Assembly of the International Seabed Authority was held in Kingston from 27 to 31 July 2026.

I. Adoption of the agenda

2. At its 225th meeting, on 27 July, the Assembly adopted the agenda of its thirty-first session (ISBA/31/A/1).

3. At the opening of the session, the Secretary-General of the International Maritime Organization, Arsenio Domínguez Velasco, delivered remarks before participating in the launch of the See Her Exceed Gender Compact, held immediately after the 225th meeting. He recalled the sharing of long-standing experience and expertise with the Authority in regulating marine activities and in upholding the mandates of both organizations. He also acknowledged the Authority's strong and constructive engagement with the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection.

II. Election of the President and Vice-Presidents of the Assembly

4. At the 225th meeting, Oliver Whitehead (Kingdom of the Netherlands) was elected President, by acclamation.

5. At the same meeting, the representatives of Nigeria (African States), Samoa (Asia-Pacific States) and Trinidad and Tobago (Latin American and Caribbean States) were elected Vice-Presidents, by acclamation.

III. Appointment and report of the Credentials Committee

6. At its 225th and 226th meetings, on 27 July, the Assembly considered and appointed a Credentials Committee, consisting of the following eight members: Bahamas (The), Belgium, Canada, Côte d'Ivoire, Dominican Republic, Indonesia, Kenya and Tonga.

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7. The Credentials Committee met on 29 July and elected Alveta Knight (The Bahamas) as its Chair. The Committee examined the credentials of representatives participating in the thirty-first session.

8. At the 233rd meeting, on 31 July, the Chair of the Credentials Committee presented the report of the Committee (ISBA/31/A/12). At the same meeting, the report was approved by the Assembly (see ISBA/31/A/14).

IV. Election to fill a vacancy on the Finance Committee

9. At its 225th meeting, the Assembly elected, by acclamation, Greg Reisman (United Kingdom of Great Britain and Northern Ireland) for the remainder of the term ending on 31 December 2027 (see ISBA/31/A/9).

V. Guidelines for observer status of contractors with the Authority

10. At its 225th meeting, the Assembly considered the adoption of guidelines for observer status of contractors with the Authority. To introduce the topic, the President referred to the statement of the President of the Assembly on the work of the Assembly during the thirtieth session and stated that, during the previous session, it had been agreed that contractors could participate as observers in their individual capacity and not be treated differently from other stakeholders. Contractors had thus been invited to submit requests for observer status to be granted by the Assembly from 2026. The Assembly had also 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, to assist in the consideration of applications for observer status to be submitted by contractors from 2026. The Assembly had also decided to include the item in its agenda for the next session and that it was unnecessary to amend the Assembly's rules of procedure.

11. Against this background, as reflected in the statement by the President of the Assembly on the work of the Assembly at the thirtieth session (ISBA/30/A/14, para. 12), at the 225th meeting, the Assembly was presented with guidelines for observer status of contractors with the Authority (ISBA/31/A/7).

12. It was stated by a delegation that, to its mind, there had been no decision establishing that contractors could participate as observers at the same level as other interested stakeholders. It was voiced that the matter should be studied further before a decision on the matter was adopted. Some delegations called for a distinction to be drawn between contractors and the non-governmental organizations (NGOs) referred to in rule 82 (1) (e) of the rules of procedure of the Assembly. Some delegations considered that for-profit companies could not qualify as NGOs. Others pointed to the fact that contractors would be sponsored by Governments and could therefore not be considered independent from Governments. References were made to article 169 of the United Nations Convention on the Law of the Sea and Economic and Social Council accreditation.

13. It was also stated that there should be eligibility criteria, assessment procedures and differentiated standards to regulate the participation of regulated private entities. It was further stated that any observer status granted to a contractor should be limited and subject to renewal, suspension or withdrawal. The view was expressed that periodic review should include disclosure of the contractor's ownership and beneficial ownership, sponsorship, nationality, effective control, compliance status and any material change affecting its legal, contractual or operational position. It was

stated that any framework governing contractors' participation must address potential conflicts of interest, confidentiality and participation in matters concerning their own contracts, compliance records, inspections, sanctions, disputes or financial obligations. It was also stated that, where a matter directly affected a contractor or an affiliated entity, that contractor should be required to disclose the relevant interest and refrain from participating in the related deliberations. A question was posed as to whether observer status should be provided to a juridical person named in a contract with the Authority or could also extend to parent companies, affiliates, operators or subcontractors. The question as to whether a contractor granted observer status could continue to be accredited as part of State delegations was also raised. Support was expressed for consideration being given to the question of whether observer status might be an appropriate mechanism for contractor participation in the Authority.

14. Other delegations welcomed the draft decision and considered the draft guidelines favourably. It was recognized that contractors had relevant and direct interest in the work of the Authority and had contributed to the Authority's objectives substantially and continuously. It was stated that observer status did not confer voting rights, decision-making authority or any privileged status within the Authority. It was recalled that observer status allowed a contractor to merely observe proceedings and that the decision-making authority of Members of the Authority remained intact.

15. Some delegations voiced support for an approach in which the guidelines would be adopted and, once sufficient experience with their application had been gained, reviewed in order to assess whether any further measures could usefully contribute to strengthening confidence in the Authority's processes and decision-making.

16. One delegation highlighted the fact that there were also government contractors, which would require separate attention.

17. Consultations on the matter were facilitated by the delegation of Samoa. Following extensive deliberations, at the 234th meeting, on 31 July, the Assembly adopted a decision concerning interim arrangements in respect of requests for observer status submitted by four contractors (see ISBA/31/A/INF/12, ISBA/31/A/INF/13, ISBA/31/A/INF/14 and ISBA/31/A/INF/15, and para. 22 below) for consideration during the thirty-first session. The decision is contained in document ISBA/31/A/16.

VI. Requests for observer status in the Assembly

18. Seafloor Mineral Developers Association informed the secretariat during the session that the entity had ceased operations and had been dissolved. Thus, the request for observer status at the Assembly by the Seafloor Mineral Developers Association (ISBA/30/A/INF/12), which had been deferred at the previous session, has been formally withdrawn and removed from the Assembly's consideration.

19. At its 225th meeting, the Assembly considered 16 applications for observer status. Four were made by contractors upon invitation of the Assembly, 1 was made pursuant to rule 82 (1) (d) and 11 were made pursuant to rule 82 (1) (e) of the rules of procedure of the Assembly and the guidelines for observer status of NGOs with the Authority (ISBA/25/A/16).

20. At its 226th meeting, the Assembly, in accordance with rule 82 (1) (d) of the rules of procedure, granted observer status to the secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (ISBA/31/A/INF/3).

21. At its 234th meeting, the Assembly, in accordance with rule 82 (1) (e) of the rules of procedure of the Assembly, granted observer status to the DMUN Foundation

(ISBA/31/A/INF/1), the Académie Africaine de la Pratique du Droit International (ISBA/31/A/INF/2), Deep Currents Collective (ISBA/31/A/INF/4), Hugo Grotius gGmbH (ISBA/31/A/INF/5), the Natural History Museum (ISBA/31/A/INF/6), the Senckenberg – Leibniz Institution for Biodiversity and Earth System Research (ISBA/31/A/INF/7), the Centre for International Law and Multilateralism (ISBA/31/A/INF/8), the University of Technology Sydney (ISBA/31/A/INF/9), INESC TEC – Institute for Systems and Computer Engineering, Technology and Science (ISBA/31/A/INF/10), the University of Vienna (ISBA/31/A/INF/11) and Koro Nui o Te Vaikava (ISBA/31/A/INF/16).

22. As a consequence of the decision of the Assembly concerning interim arrangements in respect of requests for observer status submitted by contractors for consideration during the thirty-first session (ISBA/31/A/16), the Assembly no longer had to decide on the requests for observer status submitted by Nauru Ocean Resources Inc. (ISBA/31/A/INF/12), Tonga Offshore Mining Limited (ISBA/31/A/INF/13), Global Sea Mineral Resources nv (ISBA/31/A/INF/14) and UK Seabed Resources Limited (ISBA/31/A/INF/15).

VII. Statement by the President of the Council on the work of the Council during the thirty-first session

23. At its 226th meeting, the Assembly took note of the statements of the President of the Council on the work of the Council during the thirty-first session (ISBA/31/C/19/Rev.1 and ISBA/31/C/19/Rev.1/Add.1).

VIII. Annual report of the Secretary-General

24. At the 226th meeting, the Secretary-General presented her annual report submitted in accordance with article 166, paragraph 4, of the Convention (ISBA/31/A/2). Under the same agenda item, she reported on arrears (see ISBA/31/A/5) and on the implementation of the action plan for marine scientific research in support of the United Nations Decade of Ocean Science for Sustainable Development (see ISBA/31/A/3).

25. During the 226th, 227th, 228th, 230th, 231st and 234th meetings, on 27, 28, 29, 30 and 31 July, the Assembly held a general debate on the reports of the Secretary-General.

26. Most delegations welcomed the yearly report of substantial activity across the Authority's core functions, including institutional strengthening, marine scientific research, cooperation, capacity-building initiatives and the continued work on the exploitation regulations.

27. Most delegations welcomed Cambodia and Kyrgyzstan, which had become members of the Authority since the previous session. This brought the total membership of the Authority to 172.

28. Most delegations reaffirmed strong support for the Authority and for the implementation of Part XI of the Convention and the Agreement relating to the Implementation of Part XI of the Convention (1994 Agreement) and their commitment to the common heritage of humankind. It was stressed that activities in the Area must be conducted throughout the international legal framework established by the Convention and the 1994 Agreement and regulations that ensured effective environmental protection, robust compliance mechanisms and equitable sharing of benefits. It was stated that the best way to avoid a situation in which a plan of work

might have to be considered in the absence of regulations was to continue concerted efforts towards the completion of the mining code. Some delegations welcomed the progress made in the negotiations on the exploitation regulations. The work towards the operationalization of the Enterprise and the Economic Planning Commission was also welcomed.

29. Some delegations welcomed numerous priorities around marine scientific research and capacity-building initiatives. Such delegations valued the authoritative partnership-building efforts made by the Secretary-General and encouraged her to continue to pursue such efforts. References were made to the Sustainable Seabed Knowledge Initiative and the "One Thousand Reasons" campaign, as well as emerging opportunities linked to monitoring and cumulative impacts. Several delegations highlighted the achievements of the African Academy for Deep Sea Diplomacy, the development of the Deep Dive e-learning platform, the International Seabed Authority Capacity Development Alumni Network, the joint training and research centres with China and Egypt, the Caribbean blue economy development initiative and cooperation with the Technology Bank for the Least Developed Countries. The role in capacity-building played by contractors was recognized.

30. Some delegations commended the environmental activities of the Authority, including the approval of the standardized procedure for the development, establishment and review of the regional environmental management plans, the continuation of work on the regional environmental management plans for the Indian Ocean and for the Northwest Pacific Ocean, the work of the intersessional expert group on the development of environmental threshold values, the establishment of the Deep-sea Biobank Initiative, the creation of a global repository, the development of an "adaptive observing programme" framework targeting areas of particular environmental interest, the development of an image reference library for the Clarion-Clipperton Zone, the Meioscool project, and the further expansion and development of the Authority's DeepData database, including the sharing of a range of environmental and oceanographic data through other global networks and platforms.

31. Some delegations commended the progress made under the See Her Exceed global mentorship programme for women from developing countries, in particular the completion of the first phase. They emphasized that advancing the participation and leadership of women in ocean science was an integral part of building strong and inclusive ocean governance. Some delegations also commended the launch of the See Her Exceed Gender Compact to promote the safe participation of women in at-sea activities, and welcomed the Secretary-General's vision to expand and diversify the flagship initiative, including through a scientific track on cumulative impact assessment and the launch of a dedicated law of the sea track.

32. Several delegations expressed the view that the implementation of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction was an opportunity to strengthen cooperation to conserve the unity reflected in the Convention and would not result in fragmentation. Several delegations attached importance to ensuring coherence, complementarity and appropriate interactions between the work of the Authority and the implementation of the Agreement on Marine Biological Diversity of Areas beyond National Jurisdiction in full respect of the mandate of the Authority and its priorities.

33. Several delegations welcomed the Secretary-General's effort to strengthen collaboration with the United Nations and other international organizations, which was reinforcing coherence in international ocean governance and strengthening partnerships in support of the implementation of the Convention and the Sustainable Development Goals.

34. Several delegations welcomed the inaugural observance of the International Day of the Deep Seabed on 1 November 2025 (see ISBA/30/A/13), which was a symbolic reminder of the address made by Arvid Pardo and of the origins of the concept of the common heritage of humankind.

35. Several delegations welcomed the secretariat's full support for closer alignment with United Nations system standards in relation to audit, human resources, oversight, administrative systems, risk management, transparency and accountability. It was also emphasized that the alignment process should be accompanied by the continuous strengthening of the Authority's institutional capacity. This will be advanced through efforts to strengthen its expertise, administrative systems and accountability arrangements while enhancing its support and coordination with organs of the Authority.

36. Several delegations welcomed the Building Bridges initiative and the coordination with national stakeholders to ensure an enabling environment for the Authority's expanding responsibilities.

37. One delegation commended the members that had deposited their charts and lists of geographical coordinates pursuant to article 84 of the Convention.

38. Several delegations reiterated their calls for a precautionary pause or moratorium on deep sea mining. A number of delegations joined those calls. Such delegations, among others, stated that that position should be seen as a means of ensuring that decisions on deep sea mining would be based on science, equity and the long-term interests of humankind as a whole. Other delegations commented on such calls. One delegation questioned the basis in the Convention for such calls. Some delegations stated that completing the mining code should be the Authority's immediate priority. It was stated, among others, that this was the most effective safeguard for the protection of the marine environment and the clearest demonstration of commitment to the principles of the Convention.

39. In response, the Secretary-General thanked delegations for their comments. She noted priorities around marine scientific research and capacity-building and authoritative partnership-building efforts, which will continue to be a key strategic approach for developing countries to build their ability to respond to priority issues. She also noted the importance that delegations attached to ensure coherence and complementarity between the work of the Authority and the implementation of the Agreement on Marine Biological Diversity of Areas beyond National Jurisdiction. Referring to the strengthening of the Authority's institutional capacity, she stated that that was a priority that the secretariat was advancing through efforts to strengthen its expertise, administrative systems and accountability arrangements while enhancing its support for and coordination with organs of the Authority. She welcomed the guidance and reaffirmed the importance of doing so against the current background. She provided clarifications on staffing, audit, oversight and financial management, provided confirmation that no decision had been taken to reclassify any established post at any duty station and stated that staffing actions would continue to be taken in accordance with the applicable administrative instructions.

40. A request for clarification was made, with reference to staff regulations 12.3 and 12.4 of the staff regulations of the Authority, as to the reporting to the Assembly of the amendments to the staff rules of the Authority set out in document ISBA/ST/SGB/2020/1/Amend.3. The secretariat indicated its availability to provide responses, but it was decided, in the interest of time, that such clarification could be given through the forthcoming report of the Secretary-General.

41. The Assembly decided to take note of the comprehensive report of the Secretary-General (see ISBA/31/A/2 and ISBA/31/A/5). The Assembly decided to take note of

the progress made in the implementation of the action plan for marine scientific research in support of the United Nations Decade of Ocean Science for Sustainable Development (ISBA/31/A/3). The Assembly requested the Secretary-General to continue her efforts to develop initiatives to advance research and mobilize knowledge and resources through partnerships, in line with the next steps outlined above. The Assembly encouraged all members of the Authority, other States, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private persons to take an active role in advancing these efforts.

IX. Periodic review of the international regime of the Area pursuant to article 154 of the United Nations Convention on the Law of the Sea

42. At its 231st meeting, on 30 July, the Assembly considered the conduct of a periodic review of the international regime of the Area pursuant to article 154 of the Convention. To introduce the topic, the President recalled the following:

(a) During the twenty-eighth session, the Assembly included the periodic review of the international regime of the Area pursuant to article 154 of the Convention as an agenda item for its twenty-ninth session, with a view to adopting a decision thereon (see ISBA/28/A/16). The Assembly also requested that the Finance Committee consider and provide recommendations to the Assembly on the budgetary implications pertaining to the undertaking of the periodic review (see ISBA/29/A/9-ISBA/29/C/20, paras. 22 and 23);

(b) During the twenty-ninth session, in light of the divergence of views that had been expressed, the Assembly decided to defer its consideration of the question of the periodic review to the thirtieth session;

(c) During the thirtieth session, the Assembly did not reach consensus on the proposal for conducting the periodic review and decided to defer its consideration of the question of the periodic review to the thirty-first session. Against that background, the secretariat had not included a draft decision for the Assembly's consideration at its thirty-first session.

43. Many delegations voiced strong support for the launch of the periodic review, which was considered by some as long overdue and an integral part of the governance framework established by the Convention. Delegations pointed to the Convention, stating that it was mandatory to conduct the periodic review every five years. Some concerns were voiced on the deferrals of the question in the past. Some delegations stated that they considered the periodic review to be useful because they viewed the Authority's institutions as needing to be strengthened and made more efficient.

44. At the same time, some delegations voiced their view that a periodic review should not be carried out until after the adoption of the regulations on exploitation. In that regard, reference was made to the past practice of the Authority. Some delegations noted that the budget of the Authority for the financial period 2027–2028 did not provide for the conduct of a periodic review.

45. For the purposes of undertaking an effective review, further preparatory work was suggested to assist the Assembly in its deliberations. Such work could identify the objective, scope, methodology, process, outcomes, timelines, resource requirements, updated financial implications and separate topics requiring further attention in the terms of reference for a potential periodic review. The following topics emerged from the debate as potentially requiring attention during a periodic review:

the principle of the common heritage of humankind and its implementation; equitable benefit-sharing mechanisms; environmental stewardship, including the robustness of regional environmental management plans; marine scientific research; capacity-building; technology transfer; an assessment of the manner in which the interests, needs and participation of developing States are taken into account; protection for land-based mining producers; the working modalities of the organs of the Authority; the participation of contractors in the meetings of the Authority; the strengthening of decision-making processes; the enhancement of institutional governance and efficiency; and operational readiness of the Authority to transition into a regulatory role. It was suggested that, as part of the review, stock should be taken of the implementation of the recommendations arising from the first review. Support was expressed for further discussion on the process and timing of the review.

46. The Assembly did not reach consensus on the conduct of the periodic review. The President invited proponents for the conduct of a periodic review to prepare, in light of the issues discussed, a draft decision on the matter, including any potential terms of reference, for consideration by the Assembly at its next session. The President recorded the concerns voiced by delegations and a regional group that the decision to conduct a periodic review had been deferred twice. The Assembly then decided to defer consideration of the conduct of the periodic review to the next session.

X. Report of the Interim Director-General of the Enterprise

47. At its 230th and 231st meetings, the Assembly considered the report of the interim Director-General of the Enterprise in performing the functions of the Enterprise as specified in section 2 of the annex to the 1994 Agreement (see ISBA/31/A/6-ISBA/31/C/23), as well as other duties mandated by the Council and included in the terms of reference of his employment.

48. Many delegations welcomed the comprehensive report outlining challenges and strategic progress in the preparation of the operation of the Enterprise from the secretariat and took note with appreciation of the efforts of the interim Director-General in fulfilling his mandate under the Convention and the 1994 Agreement with the limited resources allocated to him.

49. In their interventions, delegations emphasized the importance of the Enterprise within the regime established by the Convention and the 1994 Agreement. Several comments were made on the preparatory work on administrative and managerial arrangements, the monitoring and review of trends and developments related to deep seabed mining activities, world metal market conditions, technological developments, technology transfer, capacity-building and outreach activities.

50. The interim Director-General was commended for his active participation in the negotiations on the exploitation regulations to ensure that the Enterprise's interest was appropriately reflected in the regulatory framework. Several delegations indicated that the absence of adopted exploitation regulations was a challenge that required the collective attention of members of the Authority.

51. Concern was expressed regarding reported overlaps between areas reserved for the Enterprise and applications or activities pursued outside the legal framework established by the Convention and the 1994 Agreement, which could undermine the future operations of the Enterprise. Delegations underscored the need to preserve the integrity and availability of reserved areas and the regime for the Area to enable the effective participation of the Enterprise and developing States in activities in the Area.

52. Many delegations welcomed the ongoing work of the interim Director-General on joint venture arrangements, stressing that such arrangements should be consistent with the applicable legal framework and sound commercial principles.

53. The interim Director-General of the Enterprise thanked delegations for their comments. In response to the concerns expressed regarding reported overlaps between areas reserved for the Enterprise and application or activities pursued outside the legal framework established by the Convention and the 1994 Agreement, he highlighted the role of the Assembly in addressing such concerns.

54. He underscored that a significant amount of work lay before the Enterprise and that attention should be paid to the provision of additional resources. In addition to continuing to pursue legally binding joint venture arrangements, the interim Director-General emphasized the need for continued work on other forms of cooperation, including memorandums of understanding, as additional means of cooperation in which the Enterprise might engage.

55. The interim Director-General concluded his remarks by reiterating that he would continue to show fidelity in discharging its mandate consistent with the legal framework of the Convention and the 1994 Agreement, the rules, regulations and procedures and the decisions of the Assembly and Council.

56. The Assembly decided to take note of the report of the interim Director-General of the Enterprise.

XI. Report of the Finance Committee, process and criteria for implementation of article 184 of the United Nations Convention on the Law of the Sea, and adoption of the budget of the Authority

57. At its 229th meeting, on 29 July, the Assembly discussed the report of the Finance Committee and its recommendations (ISBA/31/A/10-ISBA/31/C/28) and the proposed budget for the Authority for the financial period 2027–2028 (ISBA/31/A/4/Add.1-ISBA/31/C/22/Add.1). The meeting commenced with an introduction of the report by the Chair of the Finance Committee.

58. The Assembly commended the Finance Committee for its hard work and comprehensive report highlighting successes and challenges in the Authority's financial management and planning. The Assembly reiterated its support to the Committee and encouraged open, timely and transparent dialogue between the secretariat and the Committee.

59. Delegations made comments and sought clarifications, including, in no particular order:

(a) Requests that the secretariat support the Finance Committee by holding webinars and organize a five-day session for the Committee to perform its work;

(b) Statements that the secretariat must strictly adhere to Assembly decisions, including those on safeguards for human resource and financial matters. In that context, it was recalled that Assembly decisions that had been made during the twenty-ninth and thirtieth sessions required that any reclassification of posts be submitted to the Assembly for prior approval. It was noted with concern that questions about adherence to those decisions had been raised during the thirty-first session of the Council. Reference was made to document ISBA/31/C/33, in which it was requested, for the avoidance of doubt, that no decision on the establishment, abolishment or conversion of posts be implemented without prior approval of the

Assembly, taking into account the recommendation of the Committee, whether on a permanent or a temporary basis;

(c) Statements that drawdowns on the Endowment Fund in excess of limits established in Assembly decisions required explicit prior authorization by the Assembly, a concern that one regional group requested be reflected in the present Statement;

(d) Statements pertaining to ongoing litigation before the Joint Appeals Board and United Nations Appeals Tribunal and provisions therefor in the budget, including requests for more information;

(e) Clarifications sought with respect to the amendments to the staff rules of the Authority reflected in document ISBA/ST/SGB/2020/1/Amend.3;

(f) Expressions of support for the Finance Committee's continued consideration of the concept of a common heritage fund, as well as statements that a common heritage fund was only one modality through which the benefits of activities in the Area could be equitably shared;

(g) Expression of support for the Finance Committee's request that the secretariat explore the possibility of engaging auditors from the United Nations system in the future;

(h) Calls for members of the Authority to pay contributions in a timely fashion;

(i) Assertions of the importance that the Authority operate under the highest levels of transparency, and support for proposals to that effect;

(j) Concerns regarding unspent programme funding;

(k) Recommendations that the operationalization of the Economic Planning Commission follow a phased and cost-effective approach.

60. In response, the Chair of the Finance Committee thanked the many declarations of support for the work of the Committee. He stated that, in the thirty-second session, the Committee would revert on benefit-sharing mechanisms and seek Council and Assembly guidance on the different routes through which benefits could be shared.

61. The Assembly decided to take note of the report of the Chair of the Finance Committee. Thereafter, at the same meeting, the Assembly was invited to turn its attention to the process and criteria for the implementation of article 184 of the Convention, with reference to annex I to the report of the Committee (ISBA/31/A/10-ISBA/31/C/28). The Assembly decided to adopt the process and criteria for the implementation of article 184 of the Convention, as recommended by the Committee and reflected in annex I to its report, without objections (ISBA/31/A/13, para. 6).

62. Also at the 229th meeting, the Assembly considered the adoption of the budget of the Authority. It was recalled that the Council had decided to recommend in its decision relating to the budget for the financial period 2027–2028 that the Assembly approve the proposed budget of the secretariat for the financial period 2027–2028 in the amount of $29,907,000, as proposed by the Secretary-General and revised by the Finance Committee (ISBA/31/C/33, para. 3). Reference was made to rules 61 (3), 61 (4) and 91 of the rules of procedure of the Assembly. A draft decision in document ISBA/31/A/L.2 had been prepared and was referred to. The Assembly thereafter decided to adopt the budget for the financial period 2027–2028, as proposed by the Secretary-General (see ISBA/31/A/4/Add.1-ISBA/31/C/22/Add.1) and recommended by the Finance Committee (see ISBA/31/A/10-ISBA/31/C/28) and the Council (see ISBA/31/C/33). The decision of the Assembly relating to the budget of the Authority

for the financial period 2027–2028 is contained in document ISBA/31/A/13, which also includes a decision on the scale of assessments for contributions to the budget for that period.

XII. Request for an advisory opinion from the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea pursuant to article 191 of the United Nations Convention on the Law of the Sea on matters relating to the legal implications for the International Seabed Authority of activities in the Area undertaken by non-States Parties

63. At its 232nd and 233rd meetings, on 30 and 31 July, the Assembly considered a request for an advisory opinion from the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea pursuant to article 191 of the Convention on matters relating to the legal implications for the Authority of activities in the Area undertaken by non-States Parties. To assist the Assembly in its consideration of the item proposed by the Secretary-General, the Assembly considered the note by the Secretary-General with a draft decision annexed thereto (ISBA/31/A/8).

64. The Secretary-General introduced the note with the annexed draft decision, as the item had been included in the agenda of the Assembly at the request of the Secretary-General pursuant to rule 10 of the rules of procedure of the Assembly. An exchange of views followed.

65. Some delegations supported the submission of a request for an advisory opinion from the Seabed Disputes Chamber pursuant to article 191 of the Convention on matters relating to the legal implications for the Authority of activities in the Area undertaken by non-State Parties. However, many more delegations stated that they did not support adopting such a decision at the thirty-first session. During the meeting, delegations exhibited a wide range of views in their responses to the draft decision, including, in no particular order:

(a) Concerns about possible actions outside the regime established by the Convention and the 1994 Agreement and the belief that the Authority must react to such actions. A request for an advisory opinion from the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea was presented as an option for such a reaction. It was stated that such an advisory opinion might contribute to the progressive development of the legal framework governing activities in the Area and reinforce confidence in the rule of law as the foundation of the international seabed regime. Several delegations stated that they considered the patient construction of the broadest possible consensus around the rules governing the Area to be important. Other delegations underscored the urgency of a multilateral response to any such actions. One delegation stated that the matter was of the highest priority, referring to paragraphs 27 and 28 of the report of the interim Director General of the Enterprise (ISBA/31/A/6-ISBA/31/C/23), in which it was stated that the areas concerned in applications for mineral exploration and/or exploitation in the Clarion-Clipperton Zone outside the legal framework of the Convention and the 1994 Agreement overlap with areas reserved for the Enterprise;

(b) The view that a request for an advisory opinion was premature. Such a proposal required careful consideration and broad consultation. The time between the draft decision being proposed and the Assembly meeting had not allowed for such consideration and consultation. Some delegations specifically stated that consultations should address the overarching desirability of requesting such an

advisory opinion. Some questioned the appropriateness of a request while proceedings before the Seabed Disputes Chamber in cases No. 34 and No. 35 were still ongoing. Other delegations questioned whether it was altogether appropriate or necessary to submit a request for an advisory opinion on the topic;

(c) The assertion that the Council should consider the request at a future session. In particular, with reference to article 191 of the Convention, it was questioned whether the proposed decision should first be considered by the Council before then either submitting a request to the Chamber or making a recommendation to the Assembly for approval. Moreover, reference was made to document ISBA/16/C/13, in which the request for an advisory opinion, which then resulted in the Seabed Dispute Chamber's advisory opinion of 1 February 2011,[1] was decided on by the Council. A regional group called on the Assembly to refer the proposed decision to the Council, which would then be passed back to the Assembly, in order to give States Parties time to appreciate the broader strategic implications of the request. One delegation considered matters relating to compliance, supervision of activities in the Area and the Authority's response to the conduct of non-States Parties to generally fall within the competence of the Council. Another delegation stated that Council discussions should be held only once the opinion of the Legal and Technical Commission had been heard. One delegation also suggested that article 191 of the Convention contains a threshold, as a request for an advisory opinion must be necessary for the exercise of the functions entrusted to the Assembly or the Council under the Convention;

(d) The view that the initiative to request an advisory opinion from the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea should be led by States Parties. It was stressed that the member-driven character of the Authority and the institutional balance established under the Convention must be preserved;

(e) The opinion that deliberations on a request for an advisory opinion should not delay the work of the Authority on the development of regulations on exploitation of mineral resources in the Area;

(f) The view that advisory opinions should not be used to resolve contentious matters or disputes, with reference to the language contained in draft decision ISBA/31/A/8. It was also stated that advisory proceedings should not be invoked to address hypothetical or abstract questions when no demonstrated legal uncertainty existed;

(g) Criticism of the wording of the questions contained in the draft decision. It was stated that the questions as drafted presented significant issues relating to legal nuance and that further refinement of the scope and phrasing of the questions could be needed. Some delegations considered the first question problematic ("has the principle of non-appropriation of the Area and its resources embodied in article 137 (1) of the United Nations Convention on the Law of the Sea acquired the status of customary international law?"). One delegation suggested four questions that it considered pertinent to pose in a request for an advisory opinion. They focused on legal consequences and any potentially appropriate and necessary measures the Authority and States might take;

(h) The view that further questions could include the treatment to be accorded by States Parties' customs authorities, regulatory bodies and domestic courts to minerals recovered outside the framework of Part XI of the Convention. One delegation stated that the questions should invite the Seabed Disputes Chamber to

[1] International Tribunal for the Law of the Sea, *Reports of Judgments, Advisory Opinion and Orders: Responsibilities and obligations of States with respect to activities in the Area – Advisory Opinion of 1 February 2011*.

clarify any concrete implications of the treaty obligations so as to enhance the practical relevance of any responses required. It was also suggested that questions pertaining to article 139 of the Convention should be formulated;

(i) The assertion that articles 136, 137 and 139 of the Convention were clear. One delegation stated that a first step for the Authority's response would be to identify those elements of article 137 of the Convention on which States Parties already shared a common understanding and that such an understanding could be reflected in decisions of the Authority. Where consensus did not exist or genuine legal uncertainty remained, it might be appropriate to make that clear in a request for an advisory opinion. It was stated that States must not postpone the implementation of existing obligations.

66. At the end of the discussion during the 232nd meeting, the debate was adjourned so as to allow the secretariat to prepare responses to questions posed and for delegations to further engage in informal consultations, if they so desired.

67. Consideration of the agenda item resumed at the 233rd meeting. The secretariat, through the Legal Counsel, provided more information on the initiative. The Legal Counsel clarified that it was the secretariat's view that the inclusion of item 17 on the provisional agenda was fully consistent with rule 10 (g) of the rules of procedure of the Assembly. The explanatory note had been prepared by the Office of Legal Affairs in the exercise of its advisory functions. The Legal Counsel also stated that the question of whether the Assembly should ultimately request an advisory opinion under article 191 of the Convention was a procedural and institutional decision for the Assembly itself.

68. The President concluded as follows:

(a) The draft decision contained in document ISBA/31/A/8 under agenda item 17 had no consensus;

(b) It was widely considered that the decision-making process for a request for an advisory opinion had to be driven by States Parties and not by the secretariat;

(c) A significant number of delegations had reiterated calls for more information and time to consider the matter, noting that the question was premature;

(d) Views differed on whether advisory opinions could be requested through a decision of the Council, by the Assembly of its own accord, or by the Assembly upon recommendation of the Council;

(e) So-called "gateway questions" on the matter before the Assembly were suggested, as were reformulations of and alternatives to the questions posed in the draft decision.

69. Bearing in mind the call for more time to consider the matter and the supplementary information provided by the secretariat, the delegation of Malta offered, on the basis of the statement by the President on the work of the Assembly at its thirty-first session, to draft questions that States Parties would have the opportunity to comment on intersessionally. Additional views on the substance of agenda item 17 would be collated once more information had become available. Those views would be reflected by the delegation of Malta in a compilation setting out an overview of positions on all such matters. Such a compilation would not lead to any recommendations nor would it prejudge any matter, including the necessity of an advisory opinion. The compilation would be made available well in advance of the thirty-second session of the Assembly.

70. Item 17 on the agenda of the thirty-first session of the Assembly would thus be closed. The addition of an item to the agenda of the thirty-second session of the

Assembly was proposed in order to discuss the compilation of views and would be titled “Discussion of compilation of views facilitated by Malta”.

71. The proposed way forward was endorsed without objections and the Assembly decided accordingly. The delegation of Malta was explicitly complimented for its offer to assume a role in taking the matter forward.

XIII. Ensuring adequate scientific understanding to support informed decision-making

72. The delegation of Vanuatu had proposed an agenda item on ensuring adequate scientific understanding to support informed decision-making, and had led informal consultations on the matter throughout the week prior to its consideration by the Assembly.

73. At the 234th meeting, the delegation of Vanuatu formally introduced the item, which it had proposed in order to begin a focused and constructive conversation about the scientific foundation required for decisions concerning exploitation in the Area. The delegation stated that the type of institutional conversation within the Authority that it had hoped to initiate had now begun. For Vanuatu, there remained other areas requiring deeper consideration. By way of example, it stressed the importance of the gap in the understanding of the potential impacts of deep sea mining on tuna fisheries. The delegation of Vanuatu also voiced a need for greater space for deeper conversations about how Indigenous knowledge systems were understood, respected and engaged in the work of the Authority.

74. The delegation of Vanuatu stated that, despite the constructive engagement delegations had shown, it had not been possible to reach consensus on a draft decision. In accordance with rule 10 (e) of the rules of procedure of the Assembly, Vanuatu gave notice that it would bring the item back for consideration at the thirty-second session of the Assembly. It intended to continue consultations with interested delegations during the intersessional period.

75. Other delegations commended Vanuatu for its initiative, affirming the importance that they attached to the matter brought forth by Vanuatu, and declared their support and cooperation going forward.

76. The Assembly took no further decision in relation to the agenda item.

XIV. Election to fill the vacancies on the Council, in accordance with article 161, paragraph 3, of the United Nations Convention on the Law of the Sea

77. At its 234th meeting, the Assembly adopted a decision relating to the election of 18 members to fill vacancies on the Council for a four-year term from 1 January 2027 to 31 December 2030 (ISBA/31/A/15).

XV. Dates of the next session of the Assembly

78. The thirty-second session of the Assembly will be held in Kingston from 26 to 30 July 2027. It will be the turn of the Group of Asia-Pacific States to nominate a candidate for the presidency of the Assembly.

XVI. Other matters

79. At its 234th meeting, the Assembly took note of a note by the secretariat on the provisional measure orders prescribed by the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea on 18 July 2026 in case No. 34 and 35 (ISBA/31/A/11).

80. Under the same agenda item, several delegations and the President expressed their gratitude and support for the President of the thirtieth session of the Assembly and affirmed his statement.

XVII. Closing of the session

81. After observing a minute of silence at the end of the 234th meeting, the President closed the session.