



Assembly

Advance Unedited Version
15 October 2026

English only

Thirty-first session

Kingston, 27–31 July 2026

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, Arsenio Dominguez Velasco, the Secretary-General of the International Maritime Organization delivered remarks before participating in the launch of the See Her Exceed 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, on 27 July, 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), 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, Belgium, Canada, Côte d'Ivoire, Dominican Republic, Indonesia, Kenya and Tonga.

7. The Credentials Committee met on 29 July and elected Alveta Knight (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, on 27 July, 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, on 27 July, 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 was agreed that contractors could participate as observers in their individual capacity and not be treated differently from other stakeholders. Contractors were thus 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 of the President of the Assembly on the work of the Assembly during the thirtieth session (ISBA/30/A/14, paragraph 12), at the 225th meeting, the Assembly was presented with Guidelines for observer status of contractors with the International Seabed Authority (see ISBA/31/A/7).

12. It was stated by a delegation that, to its mind, there had not been a decision that established 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 the making of a distinction between contractors and non-governmental organizations 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 non-governmental organizations. Others pointed to the fact that, as contractors, these entities 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 ("Convention") and the ECOSOC accreditation.

13. It was further stated that there should be eligibility criteria, assessment procedures and differentiated standards to regulate the participation of regulated private entities. It was also stated that any observer status granted to a contractor should be limited and subject to renewal, suspension, or withdrawal. The view was also 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 their 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 affects 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 also posed as to whether the 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 was also raised whether a contractor granted observer status could continue to be accredited as part of State delegations. Support was expressed for consideration being given to whether observer status may 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 have relevant and direct interest in the work of the Authority and have contributed to the Authority's objectives substantially and continuously. It was stated that observer status does not confer voting rights, decision-making, or any privileged status within the Authority. It was recalled that observer status merely allows a contractor to observe proceedings, and the decision-making authority of Members of the Authority remained intact.

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

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

17. Consultations on this 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 to ISBA/31/A/INF/15 and paragraph 22 below) for consideration during the thirty-first session. The decision is contained in the 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 was 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 was removed from the Assembly's consideration.

19. At its 225th meeting, on 27 July, the Assembly considered 16 applications for observer status. Four were made by Contractors upon invitation of the Assembly from 2026, one 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 non-governmental organizations with the Authority (ISBA/25/A/16).

20. At its 226th meeting, on 27 July, the Assembly, in accordance with rule 82, paragraph 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, on 31 July, the Assembly, in accordance with rule 82 (1) (e) of the Rules of Procedure of the Assembly, granted observer status to DMUN Foundation (ISBA/31/A/INF/1), 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), Natural History Museum (ISBA/31/A/INF/6), Senckenberg-Leibniz Institution for Biodiversity and Earth System Research (ISBA/31/A/INF/7), Center for

International Law and Multilateralism (ISBA/31/A/INF/8), 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), 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 Ltd. (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, on 27 July, the Assembly took note of the statement 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, on 27 July, 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 (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 have 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 United Nations Convention on the Law of the Sea ("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 ensure 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 is to maintain focused efforts towards the completion of the Mining Code. Some delegations welcomed the progress made in the negotiations of 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 and encouraged the Secretary-General to pursue her efforts. References were made to the Sustainable Seabed Knowledge Initiative, "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 ISA capacity development alumni network, the joint training and research centres with China and Egypt, the Caribbean Blue Economy Development Initiative, as well as cooperation with the UN 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 (REMPs), the continuation of work on the REMP for the Indian Ocean and for the Northwest Pacific, the work of the Intersessional Expert Group on the development of environmental threshold values, the establishment of a deep-sea biobank initiative, the creation of a global repository, the development of an adaptive observing programme framework targeting areas of particular environmental interest, and image reference library for the Clarion Clipperton Zone, the Meioscool project, the further expansion and development of the Authority's DeepData database, 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 of developing countries, in particular the completion of the first phase. They emphasized that advancing the participation and leadership of women in ocean science is an integral part of building strong and inclusive ocean governance. Some delegations also commended the launch of SHE Gender 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 referred to 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 ("BBNJ Agreement") as an opportunity to strengthen cooperation to conserve the unity reflective in the Convention rather than resulting in fragmentation. Several delegations attached importance to ensure coherence, complementarity and appropriate interactions between the work of the Authority and the implementation of the BBNJ Agreement 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 is 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, which is a symbolic reminder of the address by Ambassador Arvid Pardo and of the origins of the concept of the common heritage of humankind.

35. Several delegations welcome 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 framework should be accompanied by continuity strengthening of the Authority's institutional capacity. This priority will continue to 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 strength and coordination with national stakeholders to ensure an enabling environment for the Authority's expanding responsibilities.

37. One delegation commended the members having 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 voiced to join calls for a precautionary pause or moratorium on deep sea mining. Such delegations, among others, stated that this position should be seen as a mechanism towards ensuring that decisions on deep sea mining will 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 also 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 comments. She noted priorities around marine scientific research and capacity building and the authoritative partnership building efforts which will continue to approach strategically for developing country's ability to respond to priorities. She also noted the importance that delegations attach to insurance coherence and complementarity between the work of the Authority and the implementation of the BBNJ Agreement. Referring to the strengthening of the Authority's institutional capacity, she stated that this is a priority that the Secretariat is really advancing through efforts to strengthen its expertise, administrative systems and accountability arrangements while enhancing its support and coordination with organs of the Authority. She welcomed the guidance and reaffirmed the importance of doing so against this background. She provided clarifications on staffing, audit, oversight and financial management, provided confirmation that no decision has been taken to reclassify any established post at any duty station, and stated that staffing actions will continue to be undertaken 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 International Seabed Authority, as to the reporting to the Assembly of amendments to the Staff Rules of the International Seabed Authority set out in ISBA/ST/SGB/2020/1/Amend.3. The Secretariat indicated to be available to provide responses, but, in the interest of time, it was decided that such clarification could be given through the developing report of the Secretary-General.

41. The Assembly decided to take note of the comprehensive report of the Secretary-General (as presented in 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 (as presented in 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 Convention

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 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, paragraphs 22 and 23);

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

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 was expressed. Delegations pointed to the Convention, stating that it is mandatory to conduct the periodic review every five years. Some concerns were voiced on the deferrals of this question in the past. Some delegations also stated to consider the periodic review useful, because they consider that the Authority's institutions need to be strengthened and made more efficient.

44. At the same time, some delegations voiced their considerations to carry out any periodic review after the adoption of regulations on exploitation. In that regard, reference was made to the past practice of the Authority. Some delegations also noted that the budget of the Authority for the financial period 2027-2028 does not provide for the conduct of a periodic review.

45. For 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 mankind and its implementation; equitable benefit sharing mechanisms; environmental stewardship, including the robustness of REMPs; marine scientific research; capacity building; technology transfer; an assessment of the manner 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; enhancing institutional governance and efficiency; and operational readiness of the Authority to transition into a regulatory role. It was suggested for the review to take stock of the implementation of the recommendations arising from the first review. Support was also 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 a draft decision on this matter for consideration by the Assembly at its next session in light of the debate, including

on any potential terms of reference for a draft decision. 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 on 29 and 30 July, 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 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 so that the Enterprise's interest is appropriately reflected in the regulatory framework. Several delegations indicated that the absence of adopted exploitation regulations was a challenge that requires 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 further 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 also underscored that a significant amount of work lies 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 also emphasized the need for continued work on other forms of cooperation including memoranda of understanding as additional means of cooperation that the Enterprise might engage in.

55. The Interim Director-General of the Enterprise concluded his remarks by reiterating that he will 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 Convention; 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 several comments or sought clarifications. Among those were (there being no hierarchy in the following list):

a) requests that the Secretariat supports the Finance Committee by holding webinars and organize a session of five days for the Finance Committee to undergo its work;

b) calls 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 were made during the twenty-ninth and the thirtieth sessions required that any reclassification of posts be submitted to the Assembly for prior approval. It was noted with concern that questions about the adherence to these decisions were also raised during the thirty-first session of the Council. Reference was made to ISBA/31/C/33, where 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) in relation to the above, statements were also voiced that the drawdown from the Endowment Fund in excess of limits established in an Assembly decision require explicit prior authorization by the Assembly. One regional group requested the above concerns to be reflected in this Statement of the President;

d) statements portioning to ongoing litigation before the Joint Appeals Board and United Nations Appeals Tribunal and on provisions for such on the budget, including requests for more information;

e) clarifications sought with respect to the amendment of Staff Rules of the International Seabed 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 the Common Heritage Fund, as well as statements that the Common Heritage Fund is 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) calls that it is important that the Authority operates under the highest levels of transparency, and support for proposals to that effect;
- j) some concerns on unspent programme funding; and
- k) some recommendations that the operationalization of the Economic Planning Commission follows 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 Finance Committee. The Chair of the Finance Committee stated that, in the thirty-second session, the Finance Committee would revert on benefit-sharing mechanisms and seek Council and Assembly guidance on the different routes through which benefits could be shared.

61. At the end of the meeting, 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 Chair of the Finance Committee (ISBA/31/A/10-ISBA/31/C/28). The Assembly decided to adopt the process and criteria for implementation of Article 184 of the Convention as recommended by the Finance Committee and reflected in annex I of its report, without objections (see ISBA/31/A/13, paragraph 6).

62. Next, also at the end of 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 of the Authority for the financial period 2027-2028, that the Assembly “approves 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, paragraph 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 also referred to. The Assembly thereafter decided to adopt the budget for the financial period 2027-2028, as proposed by the Secretary-General (ISBA/31/A/4/Add.1-ISBA/31/C/22/Add.1) and recommended by the Finance Committee (ISBA/31/A/10-ISBA/31/C/28) and the Council, as is reflected in ISBA/31/C/33. The decision of the Assembly of the International Seabed Authority relating to the budget of the Authority for the financial period 2027-2028 is contained in the document ISBA/31/A/13 and this also includes a decision on the scale of assessment 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 Convention 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 International Seabed Authority of activities in the Area undertaken by non-States Parties. To assist the Assembly in its consideration of this item proposed by the Secretary-General, the Assembly considered the note with an annexed draft decision prepared by the Secretary-General (ISBA/31/A/8).

64. The Secretary-General introduced the note with the annexed draft decision, in view of the fact that 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. This was followed by an exchange of views.

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 International Seabed Authority of activities in the Area undertaken by non-State Parties. Many more delegations however stated not to 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 contained in ISBA/31/A/8. These are listed as follows (there being no hierarchy in the following list):

a) some delegations expressed their concerns about possible actions outside the regime established by the Convention and the 1994 Agreement and the belief that the Authority must react to any 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 may 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 consider the patient construction of the broadest possible consensus around the rules governing the Area to be important. Other delegations simultaneously underscored the urgency of a multilateral response to any such actions. One delegation stated the matter had 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), where it is stated that 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) some delegations expressed a potential request for an advisory opinion to be premature. It was stated that the proposal required careful consideration and broad consultation. From the point in time that the draft decision was proposed up to the meeting of the Assembly, there had not been sufficient time for this. Some delegations specifically stated that consultations should also address the overarching desirability of requesting such an advisory opinion as was the topic of discussion. Some also questioned the appropriateness of a request while proceedings before the Seabed Disputes Chamber in Cases No. 34 and No. 35 are still ongoing. Other delegations questioned whether it is altogether appropriate or necessary to submit a request for an advisory opinion on this topic;

c) some delegations mentioned 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 be considered by the Council first before either submitting a request to the Chamber or making a recommendation to the Assembly for approval. Moreover, reference was made to ISBA/16/C/13, where the request for an advisory opinion that resulted in the Seabed Dispute Chamber's advisory opinion dated 1 February 2011¹ was transmitted pursuant to a decision of the Council. A regional group called on the Assembly to defer the proposed decision to the Council, and then to the Assembly session, to give States Parties time to appreciate the broader strategic implications of the request. A delegation also stated to consider the questions to pertain to 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 the discussions in the Council should occur after having heard the opinion of the Legal and Technical Commission first. 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;

¹ Responsibilities and obligations of States with respect to activities in the Area, Advisory Opinion, 1 February 2011, ITLOS Reports 2011, p. 10.

d) many delegations expressed 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 had to be preserved;

e) some delegations expressed that the 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) some delegations expressed that advisory opinions should not be used to resolve contentious matters or disputes and, in that regard, commented on the language contained in the draft decision put forth in 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 exists;

g) some delegations voiced their criticism for the wording of the questions contained in the draft decision put forth in ISBA/31/A/8. Among others, it was stated that the questions as drafted raised significant legal nuances 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?"*). In its statement during the meeting, one delegation cited four questions which it considered pertinent to pose in a request for an advisory opinion. Among others, it focussed on the legal consequences, as well as any potentially appropriate and necessary measures the Authority and States may take;

h) it was mentioned by several delegations that further questions could include, among others, 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. Another delegation considered that the questions should invite the Seabed Disputes Chamber to pronounce itself on concrete implications of the treaty obligations, so as to enhance the practical relevance of any responses required. It was also suggested to formulate questions pertaining to Article 139 of the Convention; and

i) some delegations considered that, respectively, 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 share a common understanding and that where such an understanding already existed, it could be reflected in decisions of the Authority. Where consensus did not exist or genuine legal uncertainty remained, that delegation considered it may be appropriate to reflect such in a request for an advisory opinion. It was further stated that States must not postpone the implementation of already 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 by a delegation and for delegations to further engage in informal consultations, if they so desired.

67. Consideration of this agenda item resumed at the 233rd meeting, on 31 July. 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 was prepared by the Office of Legal Affairs in the exercise of its advisory functions. The legal counsel also stated that if the Assembly considers that whether the Assembly should ultimately request an advisory opinion under Article 191 of the Convention is a procedural and institutional decision for the Assembly itself.

68. The President concluded as follows:

- a) the draft decision tabled for agenda item 17 had no consensus;
- b) the weight of the room was 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 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, of the Assembly on its own accord, or by the Assembly upon recommendation of the Council; and
- e) delegations expressed so-called 'gateway questions' on the matter before the Assembly. Delegations also proposed reformulations of the questions posed in the draft decision or suggested other questions.

69. Bearing in mind the call for more time to consider this matter and the supplementary information provided by the secretariat, the delegation of Malta offered, on the basis of the Statement of the President on the work of the Assembly at its thirty-first session, to draft questions for States Parties to comment on intersessionally. It was envisaged that such commenting would be optional for delegations. Additional views on the substance of the agenda item 17 would simply be collated after more information has become available and after the passing of time. These views would be reflected by the delegation of Malta in a compilation setting out an overview of positions on all of these matters. This compilation would not lead to recommendations and will also not prejudge any matter, including the necessity of an advisory opinion. The compilation will be made available significantly in advance of the thirty-second session of the Assembly.

70. Item 17 on the agenda of the Assembly's thirty-first session would therefore be closed. The addition of an item to the agenda of the next session of the Assembly was proposed in order to discuss this compilation of views. The agenda item will be titled: "Discussion of compilation of views facilitated by Malta."

71. This 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 this matter forward.

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

72. This agenda item was proposed by the delegation of Vanuatu. The delegation of Vanuatu led informal consultations throughout the week prior to consideration by the Assembly.

73. At its 234th meeting, on 31 July, the delegation of Vanuatu formally introduced the item, which it brought forward to begin a focused and constructive conversation about the scientific foundation required for decisions concerning exploitation in the Area. Vanuatu stated that the type of institutional conversation within the Authority it had hoped to initiate had now begun. For Vanuatu, other areas requiring deeper considerations remained. 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. Vanuatu also voiced a need for greater space for deeper conversation about how indigenous knowledge systems are 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 was not 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 will bring this

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, stating the importance 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 this agenda item.

XIV. Election to fill the vacancies on the Council, in accordance with Article 161, paragraph 3, of the Convention

77. At its 234th meeting, on 31 July, 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 (see 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, on 31 July, the Assembly took note of a note 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 Cases No. 34 and 35 (see 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.