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REPORT AND RECOMMENDATION OF THE LEGAL AND TECHNICAL COMMISSION CONCERNING THE REQUEST FOR APPROVAL OF PLANS OF WORK FOR EXPLORATION BY THE GOVERNMENT OF INDIA, THE INSTITUT FRANÇAIS DE RECHERCHE POUR L'EXPLOITATION DE LA MER/ASSOCIATION FRANÇAISE POUR L'ÉTUDE ET LA RECHERCHE DES NODULES (FRANCE), DEEP OCEAN RESOURCES DEVELOPMENT CO., LTD (JAPAN), YUZHMOGEOLOGIYA (RUSSIAN FEDERATION), CHINA OCEAN MINERAL RESOURCES RESEARCH AND DEVELOPMENT ASSOCIATION (CHINA), INTEROCEANMETAL JOINT ORGANIZATION (BULGARIA, CUBA, CZECH REPUBLIC, POLAND, RUSSIAN FEDERATION AND SLOVAKIA) AND THE GOVERNMENT OF THE REPUBLIC OF KOREA

LETTER OF TRANSMITTAL

22 August 1997

Dear Mr. President

I have the honour to transmit to you herewith the report and recommendation of the Legal and Technical Commission with respect to the requests for approval of plans of work for exploration submitted on 19 August 1997 by the following registered pioneer investors; the Government of India, the Institut francais de recherche pour l'exploitation de la mer (IFREMER)/Association francaise pour l'étude et la recherche des nodules (AFERNOD) (France), the Deep Ocean Resources Development Co. Ltd. (DORD) (Japan}, Yuzhmorgeologiya (Russian Federation), the China Ocean Mineral Resources Research and Development Association (COMRA) (China), the Interoceanmetal Joint organization (IOM) (Bulgaria, Cuba, Czech Republic, Poland, Russian Federation and Slovakia) and the Government of the Republic of Korea.

I shall be grateful if you would bring the recommendation of the Legal and Technical Commission to the attention of the Council at the first possible opportunity, taking into account the Schedule of meetings of the International Seabed Authority.

(Signed) Jean-Pierre LENOBLE  
Chairman

Mr. Lennox Ballah  
President of the Council  
International Seabed Authority  
Kingston, Jamaica

## REPORT AND RECOMMENDATION

1 The Legal and Technical Commission met on 21 August 1997 to consider requests for approval of plans of work for exploration submitted on 19 August 1997 by the following registered pioneer investors in accordance with paragraph 6 (a) (ii) of section 1 of the annex to the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982; the Government of India, the Institut francais de recherche pour l'exploitation de la mer (IFREMER)/Association francaise pour l'étude et la recherche des nodules (AFERNOD) (France), the Deep Ocean Resources Development Co. Ltd. (DORD) (Japan), Yuzhmorgeologiya (Russian Federation), the China Ocean Mineral Resources Research and Development Association (COMRA), (China), the Interoceanmetal Joint Organization (ION) (Bulgaria, Cuba, Czech Republic, Poland, Russian Federation and Slovakia) and the Government of the Republic of Korea.

2. In accordance with paragraph 6 (a) (ii) of section 1 of the annex to the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, in the case of a registered pioneer investor, the plan of work for exploration shall consist of documents, reports and other data submitted to the Preparatory Commission both before and after registration and shall be accompanied by a certificate of compliance, consisting of a factual report describing the Status of fulfilment of obligations under the pioneer investor regime, issued by the Preparatory Commission in accordance with paragraph 11 (a), of its resolution II Such a plan of work shall be considered approved Such an approved plan of work shall be in the form of a contract concluded between the Authority and the registered pioneer investor in accordance with Part XI of the Convention and the Agreement.

3. With respect to each request for approval of a plan of work, the Secretary-General of the International Seabed Authority has informed the Commission that he has ascertained that:

(a) The documents, reports and other data submitted to the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea both before and after registration are available;

(b) The certificate of compliance, consisting of a factual report describing the status of fulfilment of obligations under the registered pioneer investor regime, issued by the Preparatory Commission in accordance with paragraph 11 (a) of resolution II of the Third United Nations Conference on the Law of the sea, has been produced. In the case of the Republic of Korea, however, which was not able to obtain a certificate of compliance before the Preparatory commission concluded its work, a statement describing the status of the implementation of the obligations by the registered pioneer investor was issued in lieu of the certificate of compliance (ISBA/3/C/6);

(c) The registered pioneer investor has updated the information provided in the documents, reports and other data submitted to the Preparatory Commission both before and after registration and has submitted its programme of work for the immediate future, including a general assessment of the potential environmental impacts of the proposed activities; and

(d) The registered pioneer investor has given a written undertaking that it will:

(i) Accept an enforceable and comply with the applicable obligations created by the provisions of the Convention and the rules, regulations and procedures of the Authority, the decisions of the organs of the Authority and the terms of its contracts with the Authority;

(ii) Accept control by the Authority of activities in the Area, as authorized by the Convention; and

(iii) Provide the Authority with a written assurance that its obligations under the contract will be fulfilled in good faith.

4. The Commission therefore recommends that the Council consider approved the plans of work for exploration submitted by the following registered pioneer investors: the Government of India, the Institut francais de recherche pour l'exploitation de la mer (IFREMER)/Association francaise pour l'étude et la recherche des nodules (AFERNOD) (France), DORD (Japan), Yuzhmorgeologiya (Russian Federation), COMRA (China), IOM (Bulgaria, Cuba, Czech Republic, Poland, Russian Federation and Slovakia) and the Government of the Republic of Korea.