



Council

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Agenda item 14

Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-eighth session

Recommendation of the Legal and Technical Commission on a request by the Government of India to defer relinquishment of part of its contract area

1. On 29 June 2023, the Legal and Technical Commission considered a request by the Government of India to defer the schedule for the relinquishment of part of the contract area allocated to it under the contract for exploration for polymetallic sulphides signed on 26 September 2016. Pursuant to regulation 27 of the regulations on prospecting and exploration for polymetallic sulphides in the Area, the Government of India is required to submit a first relinquishment of at least 50 per cent of the original area allocated to it by 26 September 2024, being the end of the eighth year from the date of the contract.
2. After taking into consideration the justification provided by the contractor relating to the coronavirus disease (COVID-19) pandemic as contained in the note prepared by the secretariat ([ISBA/28/LTC/7](#)), the Commission found that the reasons presented by the contractor would qualify as “unforeseen exceptional circumstances arising in connection with the operational activities of the contractor”, and recommends that the Council approve the request of the contractor to defer the first relinquishment to 30 September 2026.
3. The Commission noted, however, that pursuant to regulation 27 of the regulations on prospecting and exploration for polymetallic sulphides in the Area, the Government of India is required to submit a second and final relinquishment of at least 75 per cent of the original area allocated to it by 26 September 2026, being the end of the tenth year from the date of the contract. This final relinquishment would coincide with the requested deferred date for the first relinquishment, and the contractor would be obliged to submit both relinquishments by the end of September 2026.
4. A draft decision of the Council in this respect is annexed to the present note.



Annex

Draft decision of the Council of the International Seabed Authority on the deferral of the schedule of relinquishment upon request by the Government of India

The Council of the International Seabed Authority,

Recalling that, on 26 September 2016, the Government of India entered into a 15-year contract for exploration for polymetallic sulphides with the Authority,

Recalling also regulation 27, paragraph 2, of the regulations on prospecting and exploration for polymetallic sulphides in the Area (“the Regulations”),¹ which refers to the schedule of relinquishments of the area allocated to contractors,

Noting that, according to the schedule, the Government of India is required to submit a first relinquishment of at least 50 per cent of the original area allocated to it by 26 September 2024, being the end of the eighth year from the date of the contract,²

Noting also that the Government of India requested to defer the schedule of relinquishment, owing to the impact of the coronavirus disease (COVID 19) pandemic on its operational activities,

Recalling that, pursuant to regulation 27, paragraph 6, of the Regulations, the Council may, at the request of the contractor, and on the recommendation of the Legal and Technical Commission, in exceptional circumstances, defer the schedule of relinquishment and that such exceptional circumstances shall be determined by the Council and shall include, inter alia, consideration of prevailing economic circumstances or other unforeseen exceptional circumstances arising in connection with the operational activities of the contractor,

Considering that the Commission has found that the reasons presented by the contractor qualify as “unforeseen exceptional circumstances arising in connection with the operational activities of the contractor”, and has recommended the deferment of the first relinquishment to 30 September 2026,

Acting upon the recommendation of the Commission,

1. *Determines* that the reasons presented by the Government of India qualify as “unforeseen exceptional circumstances arising in connection with the operational activities of the contractor”;

2. *Defers* the schedule of the first relinquishment as recommended by the Legal and Technical Commission;³

3. *Requests* the Secretary-General to communicate the present decision to the Government of India.

¹ ISBA/16/A/12/Rev.1, annex.

² ISBA/28/LTC/7.

³ ISBA/28/C/20.