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

Report of the Chair of the Legal and Technical Commission on the work of the Commission at the first part of its twenty-ninth session

I. Introduction

1. The first part of the twenty-ninth session of the Legal and Technical Commission (the Commission) of the International Seabed Authority was held from 4 to 15 March 2024. A total of 31 members participated in the meetings. Following the established practice of the Commission, María Gómez Ballesteros participated in the meetings in her capacity as a candidate nominated by the Government of Spain for the election to fill a vacancy on the Commission.¹

2. On 4 March, following the opening of the meetings, the Commission re-elected Erasmo Lara Cabrera as its Chair and Sissel Eriksen as its Vice-Chair. The Commission reviewed and took note of all intersessional activities from the period between July 2023 and February 2024 that were directly related to the Commission's work.

II. Activities of the contractors

A. Report on the status of the contracts for exploration and periodic reviews of the implementation of plans of work for exploration

3. On 4 March, the Commission took note of the report of the Secretary-General on the status of contracts for exploration and related matters, including information on the periodic review of the implementation of approved plans of work for exploration. The Commission welcomed the report and agreed to update the draft

* ISBA/29/C/L.1.

¹ ISBA/29/C/3.



report template developed by the Commission in 2018 and issue it as an official document to assist contractors in submitting their five-year periodic review reports.²

4. The Commission took note of a report by the Secretary-General on the status of completion of the obligations derived from the contract for exploration for cobalt-rich ferromanganese crusts that had been renounced in 2021.

B. Implementation of training programmes under plans of work for exploration and the allocation of training opportunities

5. On 4 March, the Commission was briefed on the status of the implementation of training programmes since its most recent meeting in July 2023. The report included information on the selection of candidates for those programmes undertaken during the intersessional period. The Commission noted that, on the basis of the recommendations of the training subgroup, it had selected 78 candidates for 17 training programmes offered by 12 contractors pursuant to the terms of their contracts for exploration with the Authority, namely Blue Minerals Jamaica Ltd., Cook Islands Investment Corporation, China Minmetals Corporation, China Ocean Mineral Resources Research and Development Association, Federal Institute for Geosciences and Natural Resources, the Government of the Republic of Korea, the Government of the Russian Federation, Institut français de recherche pour l'exploitation de la mer, JSC Yuzhmorgeologiya, Marawa Research and Exploration Ltd., Ocean Mineral Singapore Pte. Ltd. and Loke CCZ (formerly UK Seabed Resources Ltd.). A breakdown of the selection of candidates by training programme under plans of work for exploration between July 2023 and 12 March 2024 is reported in [ISBA/29/LTC/4](#).

6. The Commission took note of training opportunities that had been affected by the coronavirus disease (COVID-19) pandemic and of projections for future training opportunities. It noted the official launch, on 5 February 2024, of the International Seabed Authority Capacity Development Alumni Network, comprising past beneficiaries of capacity development initiatives implemented by the Authority, including former trainees of the contractor training programme. It is envisaged that through the Network the Authority will be better able to monitor and assess the medium- and long-term impacts of training provided under the contractor training programme and better tailor the types of training provided with a view to ensuring greater impact and suitability to the needs of applicants and interested States.

7. The Commission took note that since July 2023, the number of contractors that had pledged to allocate at least 50 per cent of their training placements to qualified women candidates as part of the Women in Deep Sea-Research project had increased from 10 to 20. It further took note that 44 per cent of all pledged training placements for the period ending 15 February 2024 were allocated to women.

8. On 12 March, the Commission, on the basis of the recommendations of the training subgroup, selected 21 candidates for programmes offered by four contractors, namely, Cook Islands Investment Corporation, China Ocean Mineral Resources Research and Development Association, Institut français de recherche pour l'exploitation de la mer and the Government of the Republic of Korea. Out of the 21 candidates selected, 9 were women.³ It was noted that the Commission had selected a total of 99 candidates from 383 shortlisted applicants since July 2023. The Commission welcomed the continued trend in the pace with which contractors were stepping up their training offers in line with their plans of work.

² [ISBA/29/C/5](#).

³ [ISBA/29/LTC/4](#).

Recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration

9. On 8 March, the Commission reviewed the recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration.⁴ In revising the recommendations, the Commission considered feedback from the secretariat and from contractors on issues relating to the content of the training programmes; the selection process; the implementation of training programmes; and the importance of reporting, monitoring and evaluating the impact of training programmes over time.

10. The revised recommendations add clarification as to the conceptualization, design, development and implementation of the programmes on the basis of equivalence and practical training. They are aimed at providing balance in the training offerings of contractors with a view to ensuring that the training opportunities provide relevant, valuable and effective skills, knowledge and technology to developing states, as mandated under the Convention.⁵

C. Consideration of the annual reports of contractors

Criteria for identifying contractors that have responded insufficiently or incompletely or have failed to respond to issues identified by the Commission

11. The Commission recalled that during the third part of the twenty-eighth session, the Council had reiterated its request to the Commission to name contractors that had responded insufficiently or incompletely, or failed to respond, to the calls from the Council to address issues of concern identified by the Commission in relation to the fulfilment of their contractual obligations.⁶ The Commission considered a report prepared by the secretariat on various aspects to be taken into consideration in addressing the Council's request, including the potential legal implications of naming contractors.

12. On 12 March, following the Council's request, the Commission adopted criteria for identifying contractors at risk of non-compliance (see [ISBA/29/LTC/5](#)).

Modalities for facilitating an exchange of views between contractors and members of the Legal and Technical Commission

13. The Commission adopted a decision on modalities for facilitating an exchange of views with contractors, as contained in [ISBA/29/LTC/6](#). The Commission noted that any such exchange of views would be at the behest of the Commission on a case-by-case basis and would remain informal. The Commission will report on the exchange of views in the reports of the Chair.

Overview of the strategies of contractors with contracts expiring within five years to transition to exploitation

14. The Commission recalled that, during the second part of the twenty-eighth session, it had requested contractors whose contracts were coming to an end in the next five years to provide information on their strategies to prepare for the exploitation stage.⁷ The secretariat informed the Commission that all 13 contractors had provided the requested information.

⁴ [ISBA/19/LTC/14](#).

⁵ [ISBA/19/LTC/4/Rev.1](#).

⁶ See [ISBA/28/C/27](#), para. 5.

⁷ [ISBA/28/C/5/Add.1](#), para. 23.

15. The Commission noted that most contractors had elaborated on their exploratory and environmental efforts and on technological advancements. Many, however, had not provided specific details with respect to projected milestones, timelines or projected investments. It was noted that some contractors had drawn attention to the uncertainty surrounding regulatory requirements and the need to complete the regulations on exploitation before deciding whether to proceed to the next stage of their work. Considering the fact that several contractors invited to provide their strategies were currently in their second extension agreements, the Commission took note that more specific details and planning on the conditions for transition to the exploitation phase would be useful to allow the Secretary-General and the Commission to monitor contractors' performance against regulatory expectations. The Commission will keep the matter on its agenda.

D. Relinquishment of areas under contracts for exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts

16. On 4 March, the Commission took note of the relinquishment by Institut français de recherche pour l'exploitation de la mer of 50 per cent of the exploration area allocated to it under its contract for polymetallic sulphides.⁸

17. The Commission noted that contractors had been complying with the requirements contained in the regulations on exploration⁹ and the recommendations on relinquishment.¹⁰ It discussed the potential of relinquishment for environmental conservation and invited contractors to consider the ecological characteristics of an area when identifying cells for relinquishment, while noting that this could only be on a voluntary basis.

III. Applications for approval of plans of work for exploration

Consideration of applications for approval of plans of work for exploration

18. On 18 January, the Secretary-General received applications for approval of the plans of work for exploration for polymetallic sulphides¹¹ and for cobalt-rich ferromanganese crusts,¹² respectively, submitted by the Earth System Science Organization-Ministry of Earth Sciences of the Government of India.

19. The applications were presented to the Commission by the applicant on 5 March. Subsequently, the Commission considered the application for exploration for polymetallic sulphides and sent the applicant a list of comments and questions in writing. With regard to the application for exploration for cobalt rich ferromanganese crust, the Commission noted that the area of the application lied entirely within an area submitted to the Commission on the Limits of the Continental Shelf by another State. The Commission sought comment in writing from the applicant on the matter.

20. On 12 March, the applicant informed the Commission that the responses would be provided after the close of the Commission's meeting. Accordingly, the

⁸ ISBA/29/C/8.

⁹ See regulation 27 of the regulations on prospecting and exploration for polymetallic sulphides in the Area (ISBA/16/A/12/Rev.1, annex) and regulation 27 of the regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area (ISBA/18/A/11, annex).

¹⁰ ISBA/25/LTC/8.

¹¹ ISBA/29/LTC/2.

¹² ISBA/29/LTC/3.

Commission was not able to complete the evaluation of the applications during the first part of the twenty-ninth session.

IV. Regulatory activities of the Authority

A. Development of rules concerning the application of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, annex, section 6, paragraph 1 (d), in the draft regulations on exploitation of mineral resources in the Area

21. On 11 and 12 March, pursuant to a request made by the Council at the twenty-seventh session,¹³ the Commission reviewed a letter submitted by the delegation of Belgium on the rules concerning the application of annex section 6, paragraph 1 (d) of the Agreement with regard to certification of origin for minerals derived from the Area.¹⁴ The Commission noted that the matter had not been considered during the preparation of the draft regulations on exploitation in 2018.¹⁵

22. The Commission considered the alternatives identified in [ISBA/27/C/13](#) and considered that in addition to contractors sponsored by States, the Enterprise would require certification. It noted that the competence to regulate and approve the certification of origin for minerals removed from the Area should rest with the Authority, consistent with its competence to control activities in the Area pursuant to article 153(1) of the Convention.

23. The Commission noted that the inclusion of this important element in the draft regulations on exploitation would ensure an adequate regulatory regime for certification of origin, thus averting discrimination between minerals derived from the Area and minerals from other locations.

24. On that basis, a draft regulation (see annex) is proposed for the consideration by Council for inclusion in the draft regulations on exploitation currently under review by the Council, which would be further elaborated in the standards and guidelines.

B. Development of environmental threshold values

25. On 7 March, the Commission took note of the progress that had been made with respect to the development of environmental threshold values. It noted that following the adoption of the terms of reference, the secretariat had issued a call for nominations, open from 17 July to 15 September 2023, for member States and other stakeholders to nominate experts for the intersessional expert group. In line with the terms of reference, 10 experts were selected for each subgroup, and an extended list of nominees for ad hoc consultations was prepared.

26. The Commission welcomed the two series of meetings of the subgroups of the intersessional expert group that were held in December 2023 and February 2024, respectively. The meetings were focused on scoping available data and information

¹³ [ISBA/27/C/21/Add.1](#), see para. 14.

¹⁴ [ISBA/27/C/13](#), annex. Section 6, para. 1(d) reads as follows: there shall be no discrimination between minerals derived from the Area and from other sources. There shall be no preferential access to markets for such minerals or for imports of commodities produced from such minerals, in particular: (a) By the use of tariff or non-tariff barriers; and (b) Given by States Parties to such minerals or commodities produced by their state enterprises or by natural or juridical persons which possess their nationality or are controlled by them or their nationals.

¹⁵ [ISBA/25/C/WP.1](#).

sources for the development of threshold values and on providing comments and suggestions on a draft outline of the intersessional expert group report and workplan.

27. Noting the need to align progress across the three subgroups and effectively enable discussions on possible interactions between the environmental pressures that may result from mining, the possibility of having an in-person meeting was discussed, contingent on the availability of budget resources.

C. Regional environmental management plans

Development of a standardized procedure for the development, establishment and review of regional environmental management plans

28. The Commission advanced work on the development of a standardized procedure for the development, establishment and review of regional environmental management plans through intersessional meetings in September and November 2023. During the session, it revised and completed, on a provisional basis, the standardized procedure and a template with minimum requirements, which includes sections on environmental goals and objectives, a description of regional characteristics, management measures, regional monitoring and the review process. The Commission noted that some aspects of the standardized procedure would need to be updated in order to align them with the regulations for exploitation of mineral resources in the Area when adopted.

29. The Commission also decided at the technical level to support the practical implementation of the standardized procedure and template by developing a guidance document for regional environmental management plans. The guidance document will be aligned with the standardized procedure and will contain practical and technical details, including the recommended scientific data and information, methodologies and approaches that should underpin the development, establishment and review of regional environmental management plans. The Commission will work intersessionally with a view to presenting the standardized procedure, template and guidance document, as referenced, to the Council during the second part of the twenty-ninth session.

International expert workshop on the development of regional environmental management plans

30. The Commission took note of the key outcomes of an international expert workshop on the development of the regional environmental management plan for the Area of the Northwest Pacific Ocean, held in Tokyo from 19 to 23 February 2024.

V. Data management

Review of the workplan of the strategic road map for data management of the Authority for the period 2023–2028

31. On 7 March, the Commission took note and endorsed the direction and main actions of the workplan for the Authority's strategic road map for the period 2023–2028 to leverage data for the implementation of the Authority's action plan for marine scientific research, as presented by the secretariat. It noted that the strategic road map would be updated annually.¹⁶ Progress on the workplan will be presented by the secretariat to the Commission for its consideration.

¹⁶ International Seabed Authority, "Data management strategy workplan", available at www.isa.org.jm/wp-content/uploads/2024/03/data-management-strategic-roadmap-of-the-Authority-for-the-period-2023-2028.pdf.

32. The Commission also noted with appreciation the intersessional work undertaken to complete the revisions to the DeepData user manual for the secretariat data manager persona and the DeepData reporting template guidance for the submission of digital data by contractors.

Annex

Draft regulation [X]

Certification of origin

1. The Authority, upon the receipt of an application from the Enterprise or the Contractor, shall certify the origin for the Minerals removed from the Area, in accordance with the applicable Standard.
 2. Any certification of the origin of Minerals in accordance with the applicable Standard shall be automatically accepted by member States of the Authority.
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