



# Council

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## **Twenty-ninth session**

Council session, part I

Kingston, 18-29 March 2024

Item 14 of the provisional agenda\*

**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 29th session of the Legal and Technical Commission (the Commission) of the International Seabed Authority (the Authority) was held from 4 to 15 March 2024. A total of 31 members participated in the meetings. Following existing practice, Ms. Maria Gomez Ballesteros participated in the meetings in her capacity as a candidate nominated by the Government of Spain for election to fill a vacancy on the Commission.<sup>1</sup>

2. On 4 March, following the opening of the meetings, the Commission re-elected Erasmo Lara Cabrera as Chair and Sissel Eriksen as Vice Chair. The Commission reviewed and took note of all intersessional activities directly related to the work of the Commission which occurred in the periods between July 2023 and February 2024.

### **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 current status of contracts for exploration, periodic reviews by contractors, progress made with respect to extension agreements and the status of relinquishments. The Commission welcomed the report and agreed to update and issue as an official document the draft reporting template that was developed by the Commission in 2018 to assist contractors in submitting their five-year periodic review report.

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\* [ISBA/29/C/L.1](#)

<sup>1</sup> [ISBA/29/C/3](#)

4. The Commission took note of a report of the Secretariat on the status of completion of the obligations derived from the contract for exploration for cobalt-rich ferromanganese crusts that was renounced in 2021.<sup>2</sup>

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

5. On 4 March, the Commission was briefed on the status of the implementation of training programmes since its last meeting in July 2023. The report included information on the selection of trainees undertaken during the intersessional period. It noted that on the basis of the recommendations of the training subgroup, the Commission selected 78 candidates for 17 training programmes provided pursuant to the contractual terms in the exploration contracts between the Authority for 12 contractors, namely: Blue Minerals Jamaica Ltd, Cook Islands Investment Corporation, China Minmetals Corporation, China Ocean Mineral Resources R & D 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 Yuzhmoregeologiya, 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 programmes under plans of work for exploration from July 2023 to 12 March 2024 is reported in ISBA/29/LTC/4.

6. The Commission took note of training opportunities that had been impacted by the COVID-19 pandemic and projections for future training opportunities. It noted that on 5 February 2024, the ISA-Capacity Development Alumni Network (iCAN), comprising past beneficiaries of capacity development initiatives implemented by the Authority, including former trainees of the Contractor Training Programme, was officially launched. It is envisaged that through iCAN the Authority will be better able to monitor and assess the mid-term and long-term impacts of trainings provided under the contractors' training programme, as well as to better tailor the types of trainings provided for 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 who had pledged to allocate at least 50% 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 noted that 44% of all pledged training placements for the period ending on 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 4 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.<sup>3</sup> It was noted that, in total, since July 2023 the Commission had selected 99 candidates from 383 shortlisted applicants. It welcomed the continued trend in the pace in which contractors were stepping up their training offers, in line with their plans of work.

#### ***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

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<sup>2</sup> ISBA/29/C/5

<sup>3</sup> ISBA/29/LTC/4

work for exploration.<sup>4</sup> In revising the Recommendations, the Commission considered feedback from the Secretariat as well as from Contractors on issues relating to the content of training programmes as a whole; the selection process; the implementation of training programmes and the importance of reporting, monitoring, and evaluation of the impact of the training programmes over the years.

10. The Recommendations as revised, add clarification on the conceptualisation, design, development, and implementation of the programmes on a basis of “equivalence” and “practical training”. They aim 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/or technology to the developing states, as mandated under the Convention.<sup>5</sup>

### **C. Consideration of annual reports of contractors**

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

11. The Commission recalled that during the third part of the 28th 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 concerns identified by the Commission in relation to the fulfilment of their contractual obligations.<sup>6</sup> The Commission considered a report prepared by the Secretariat on the 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 2024, following the request of the Council, the Commission adopted criteria for the identification of contractors at risk of non-compliance. The criteria adopted by the Commission are contained in document ISBA/29/LTC/5.

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

13. The Commission also adopted a decision on modalities for exchanging views with contractors as contained in ISBA/29/LTC/6. The Commission noted that 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 28th 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.<sup>7</sup> The secretariat informed the Commission that all 13 contractors had provided the requested information.

15. The Commission noted that most contractors elaborated on their exploratory and environmental efforts, as well as technological advancements, however, many did not provide specific details with respect to projected milestones, timeline, and projected investments. It was noted that some contractors drew attention to uncertainty around regulatory requirements and the need to complete the exploitation regulations before deciding whether to proceed to the next stage of their work. Considering that several

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<sup>4</sup> ISBA/19/LTC/14

<sup>5</sup> ISBA/19/LTC/4/Rev

<sup>6</sup> See ISBA/28/C/27 paragraph 5.

<sup>7</sup> ISBA/28/C/5/Add.1 Paragraph 23.

contractors invited to provide their strategies are currently in their second extension agreements, the Commission took note that more specific details, and planning on the conditions to 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 this 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 the Institut français de recherche pour l'exploitation de la mer of 50 percent of the allocated exploration area under its contract for polymetallic sulphides.<sup>8</sup>

17. The Commission noted that contractors have been complying with the requirements contained in the Exploration Regulations<sup>9</sup> and the Recommendations on relinquishment.<sup>10</sup> 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, whilst 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 2024, the Secretary-General received applications for the approval of plans of work for exploration for polymetallic sulphides<sup>11</sup> and cobalt-rich ferromanganese crusts<sup>12</sup>, 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 2024. Subsequently, the Commission considered the application for polymetallic sulphides and sent a list of comments and questions to the applicant in writing. For the application for cobalt rich ferromanganese crust, the Commission noted that the area of the application lies entirely within an area submitted to the Commission on the Limits of the Continental Shelf by another State. The Commission has sought comment in writing from the applicant on this matter.

20. On 12 March, the applicant informed the Commission that responses would be provided after the close of its meeting. Accordingly, the Commission was not in a position to complete the evaluation of the applications during the first part of the 29th session.

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<sup>8</sup> ISBA/29/C/8

<sup>9</sup> 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)

<sup>10</sup> ISBA/25/LTC/8

<sup>11</sup> ISBA/29/LTC/2

<sup>12</sup> ISBA/29/LTC/3

## 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 from the Council during the 27th session,<sup>13</sup> 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 1994 Agreement (the Rules) on certification of origin for minerals derived from the Area.<sup>14</sup> The Commission noted that this matter was not considered during the preparation of the draft exploitation regulations in 2018.<sup>15</sup>

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 also 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 exploitation regulations would ensure an adequate regulatory regime for the certification of origins, thus averting discrimination between minerals derived from the Area and minerals from other locations.

24. On that basis, a draft regulation in the annex is proposed for the Council's consideration to be added to the draft regulations on exploitation currently under review by the Council which would be further elaborated in 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 (TOR), the Secretariat issued a call for nominations from 17 July to 15 September 2023 for member States and other stakeholders to nominate experts for the intersessional expert group (IEG). In line with the TOR, 10 experts per subgroup were selected as well as an extended list of nominees for *ad hoc* consultations.

26. The Commission welcomed the two series of meetings of the IEG subgroups that took place in December 2023 and February 2024. The meetings focused on scoping available data and information sources for development of threshold values, as well as providing comments and suggestions on a draft outline of the IEG report and workplan.

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<sup>13</sup> ISBA/27/C/21/Add.1, see paragraph 14.

<sup>14</sup> ISBA/27/C/13. Annex, section 6, paragraph 1(d): 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: (i) By the use of tariff or non-tariff barriers; and (ii) 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.

<sup>15</sup> ISBA/25/C/WP.1

27. Noting the need to align progress among 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.

### **C. Regional Environmental Management Plans**

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

28. The Commission progressed work on the development of the standardized procedure for the development, establishment, and review of regional environmental management plans (REMPs) through intersessional meetings in September and November 2023. During this session it revised and completed, on a provisional basis, the standardized procedure as well as a template with minimum requirements. The latter includes sections on environmental goals and objectives, description of regional characteristics, management measures, regional monitoring, and review process. The Commission noted that some aspects of the standardized procedure would need to be updated to align 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 REMP guidance document. This guidance document will align with the standardized procedure and elaborate on practical and technical details, including the recommended scientific data and information, methodologies and approaches that should underpin the development, establishment, and review of REMPs. 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 29th Session.

#### ***International expert workshop on the development of REMPs***

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

## **VI. Data management**

### **Review of the workplan of the strategic roadmap 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 strategic roadmap of the Authority to leverage data for the implementation of the ISA action plan for marine scientific research for the period 2023-2028 as presented by the Secretariat. It noted that this strategic roadmap would be updated annually.<sup>16</sup> The progress of this workplan will be presented by the Secretariat to the Commission for their consideration.

32. It 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.

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<sup>16</sup> <https://www.isa.org.jm/wp-content/uploads/2024/03/data-management-strategic-roadmap-of-the-Authority-for-the-period-2023-2028.pdf>

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## 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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