



Council

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Agenda item 9

**Consideration, with a view to approval, of application
for a plan of work for exploration, if any**

Report of the Legal and Technical Commission to the Council of the International Seabed Authority relating to an application for approval of a plan of work for exploration for cobalt rich-ferromanganese crusts by Earth System Science Organization-Ministry of Earth Sciences of the Government of India.

A. Introduction

1. On 18 January 2024, the Secretary-General received an application for approval of a plan of work for exploration for cobalt-rich ferromanganese crusts in the Afanasy Nikitin Seamount (ANS) in the Central Indian Ocean by Earth System Science Organisation (ESSO) - Ministry of Earth Sciences, Government of India (ESSO, the Applicant). The application was submitted, pursuant to the Regulations on prospecting and exploration for cobalt rich ferromanganese crusts in the Area ([ISBA/18/A/11 ‘the Regulations’](#)).
2. On 18 January 2024, in accordance with regulation 20, paragraph 1 (c) of the Regulations, the Secretary-General notified the members of the Authority of the receipt of the application and circulated information of a general nature concerning the application. On the same date, the Secretary-General also notified the members of the Legal and Technical Commission and placed consideration of the application on the agenda of the Commission for discussion during the first part of its twenty-ninth session, to be held from 4 to 15 March 2024.

B. Consideration of the application

3. The Commission considered the application during the first part of the twenty-ninth session on 5, 6 and 13 March 2024 and during its second part on 8, 9, 10 and 11 July 2024.
4. On 7 March, the Commission through the Secretary-General sent questions to the applicant noting that the area of the application is completely contained within the submission of another State before the Commission on the Limits of the Continental Shelf (CLCS), seeking for written comments from the applicant. On 12 March, the applicant informed the Commission that the responses would be provided after the close of the Commission's meeting. Accordingly, the Commission was not able to continue the evaluation of the application during the first part of the twenty-ninth session.
5. At the commencement of the second part of the twenty-ninth session, the Commission took note that on 28 May 2024, the Secretary-General communicated responses from the Government of India to the question posed in paragraph 3 above.
6. Furthermore, during its meetings, the Commission noted that on 17 April 2024, it received a letter from the Secretary-General conveying a note verbale from the Permanent Mission of the Democratic Socialist Republic of Sri Lanka. The note formally informed the Commission that the application area has been claimed by Sri Lanka under its submission to the CLCS and is pending final recommendations. The note verbale further requested that the consideration of the application by the Authority be withheld until final recommendations are made on Sri Lanka's submission to the CLCS.

C. Conclusion

7. In light of the above-mentioned facts, the responses provided by the applicant, the United Nations Convention on the Law of the Sea (UNCLOS) and the Regulations, and:
 - (a) *Having* noted that the area under application is fully located within the submission by Sri Lanka which is pending before the CLCS;
 - (b) *Recognizing* that in accordance with article 134 of the UNCLOS the Authority does not have the competence to consider this application until all processes related to the establishment of the outer limits of the continental shelf for this area have been resolved;

- (c) *Recalling* that according to the standard of significant uncertainty, the exercise of caution is called for in the circumstances where there may be a risk of prejudice to the interests of other coastal States or of the international community¹;

The Legal and Technical Commission is currently not in a position to consider this application until all processes related to the establishment of the outer limits of the continental shelf for the area concerned have been resolved.

¹ ITLOS, Special Chamber, *Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius v. Maldives)*, Judgment, 28 April 2023, paragraphs 452 and 453.