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Agenda item 13

**Report of the Secretary-General on the implementation of
the decision of the Council in 2024 relating to the reports of
the Chair of the Legal and Technical Commission**

Implementation of the decision of the Council in 2024 relating to the reports of the Chair of the Legal and Technical Commission

Report of the Secretary-General

I. Background

1. At its 312th meeting, on 8 November 2023, the Council of the International Seabed Authority adopted a decision relating to the reports of the Chair of the Legal and Technical Commission.¹ In paragraph 19 of the decision, the Council requested the Secretary-General that the annual reporting to it on the implementation of that kind of decisions remain on the agenda of the Council as a standing item.
2. At its 324th meeting, on 26 July 2024, the Council adopted a decision relating to the reports of the Chair of the Legal and Technical Commission,² in which it requested the Secretary-General of the Authority and the Commission to undertake a series of specified actions.
3. Part II of the present report provides information on the steps taken by the Secretary-General in response to specific requests made by the Council in its decision. Part III contains the work carried out by the Commission to address various requests of the Council. Part IV provides an update on the status of the voluntary trust funds, which support the participation of developing States in the meetings of the Council, of the Commission and of the Finance Committee.

¹ ISBA/28/C/27

² ISBA/29/C/24

II. Actions to be taken by the Secretary-General

4. In paragraph 6 of its decision, the Council requested the Secretary-General to continue the practice of communicating the various issues identified during the Commission's review of contractors' annual reports to the relevant contractors and sponsoring States, to follow up in writing with those contractors that repeatedly perform insufficiently or incompletely against an approved plan of work or that have indicated that the implementation of the plan of activities will be made conditional on external factors regardless of the applicable contractual requirements, to request meetings with them and to write to the respective sponsoring States to bring that issue to their attention and request a meeting with the sponsoring States to address it and to provide relevant information to the Council.

5. Following the usual practice, the Secretary-General conveyed the Commission's comments and recommendations to individual contractors and sponsoring States after evaluating their annual reports. In response, contractors included their replies in the annual reports for 2024, which will be reviewed by the Commission during the second part of the thirtieth session. In addition, during the seventh annual meeting of exploration contractors, under the theme "Fostering dialogue and collective actions for effective regulatory compliance of activities carried out in the Area", held in Busan, Republic of Korea, from 30 September to 2 October 2024, contractors were briefed on matters relating to the development of exploitation regulations, contract management and the contractual obligations of contractors. Discussions also covered the process for the identification of contractors at risk of non-compliance, contractors' priorities and concerns, collaboration among contractors, and the Secretariat driven initiatives. On the margin of Part I of the Council meetings in March 2025, the Secretary-General convened separate meetings with contractors and sponsoring States, and highlighted that the various issues identified by the Commission should be appropriately addressed.

6. Additionally, the Council's request is addressed in further detail in the Secretary-General's report 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,³ covering the period to 24 January 2025. An addendum of this report, to be submitted to the Council for the second part of its thirtieth session, will provide an update to 31 May 2025.⁴

7. In paragraph 7 of its decision, the Council also requested the Secretary-General to continue to report to the Council on an annual basis the instances of alleged non-compliance and regulatory action in accordance with the United Nations Convention on the Law of the Sea,⁵ the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982⁶ and the regulations on prospecting and exploration, identified by the Commission, inter alia taking into account the results of the Secretary-General's consultations with contractors, and urges the relevant sponsoring States to provide any information relating to such non-compliance and measures taken to ensure compliance under the relevant contracts for exploration, in accordance with article 139 of the Convention.

8. As for 31 May 2025, the Secretary-General has provided the necessary support, such as liaising with the identified contractors and facilitating the exchange of views between the Commission and the identified contractors, to the Commission in identifying and assessing contractors at risk of non-compliance in accordance with

³ ISBA/30/C/2

⁴ ISBA/30/C/2/Add.1

⁵ United Nations, *Treaty Series*, vol. 1833, No. 31363.

⁶ *Ibid.*, vol. 1836, No. 31364.

the Criteria for identifying contractors that have responded insufficiently or incompletely, or failed to respond, to the calls from the Council to address issues identified by the Commission in relation to their contractual obligations,⁷ and the Modalities for facilitating an exchange of views between contractors and members of the Legal and Technical Commission. In the report of the Chair of the Commission on the work of the Commission during the first part of its thirtieth session, the Commission informed the Council on its work in assessing the performance of contractors in accordance with the Criteria and the Modalities.⁸

9. In paragraph 18 of its decision, the Council requested the Secretary-General to clarify the procedures and practices, including the timing, relating to communications to members of the Authority and to the Commission regarding prospecting activities in the Area.

10. Pursuant to regulations 3 to 6 of the Regulations on Prospecting and Exploration in the Area,⁹ a prospector shall notify the Authority of its intention to engage in prospecting. Each notification shall contain: (a) the name, nationality and address of the proposed prospector and its designated representative, (b) the coordinates of the broad area or areas within which prospecting is to be conducted, (c) a general description of the prospecting programme, including the proposed date of commencement and its approximate duration, (d) a satisfactory written undertaking that the proposed prospector will comply with the Convention and the relevant rules, regulations and procedures of the Authority. The Secretary-General shall acknowledge in writing receipt of each notification submitted and shall review and act on the notification within 45 days of its receipt, if the notification conforms with the requirements of the Convention and the Regulations and inform the prospector in writing that the notification has been so recorded.

11. A prospector shall inform the Secretary-General in writing of any change in the information contained in the notification. The Secretary-General shall not release any particulars contained in the notification except with the written consent of the prospector and shall from time to time inform all members of the Authority of the identity of prospectors and the general areas in which prospecting is being conducted. A prospector shall immediately notify the Secretary-General in writing of any incident arising from prospecting which has caused, is causing or poses a threat of serious harm to the marine environment and upon receipt of such notification the Secretary-General shall act in a manner consistent with relevant regulations. A prospector shall, within 90 days of the end of each calendar year, submit a report to the Authority on the status of prospecting. Such reports shall be submitted by the Secretary-General to the Legal and Technical Commission for consideration at its next meeting.

III. Actions to be taken by the Legal and Technical Commission

12. In paragraph 4 of its decision, the Council welcomed the submission by contractors of their annual reports within the prescribed deadline, but expressed its concern that some contractors have not complied with reporting requirements set out in the template issued by the Commission, and reiterated that contractors are required to report completely and in accordance with the reporting requirements of the Commission on activities in their contract area.

13. The Secretary-General conveyed the Commission's comments and recommendations to individual contractors after evaluating their annual reports. The

⁷ ISBA/29/LTC/5

⁸ ISBA/29/LTC/6

⁹ ISBA/19/C/17, annex; ISBA/16/A/12/Rev.1, annex; ISBA/18/A/11, annex.

Commission will continue to address this matter during the second part of the thirtieth session, and it is anticipated that it will provide an update to the Council accordingly.

14. In paragraph 10 of its decision, the Council recalled its request for the Commission to revise its draft procedure and criteria for consideration of a request for the transfer of rights and obligations under a contract for exploration,¹⁰ once the Council has considered issues relating to the transfer of rights and obligations under a contract for exploitation in the draft regulations for exploitation, as well as relevant issues related to effective control.

15. The Commission has taken note of the Council's request and will take further actions after the Council's consideration of this matter during the negotiations of the draft regulations on exploitation.

16. In paragraph 12 of its decision, the Council expressed its appreciation for the Commission's work on revising the draft standardized procedure for the development, establishment and review of regional environmental management plans, the template with the minimum requirements, and the recommendations on technical guidance to support the practical implementation of the standardized procedure and template, invites member States and observers of the Authority to provide comments in writing within 90 days of the adoption of the present decision, to be submitted to the Authority for the Commission's consideration, and requests the Commission to submit the revised documents with the rationale for its decisions to the Council before the first part of the thirtieth session.

17. The Commission has recommended a draft revised standardized procedure for the development, establishment and review of regional environmental management plans,¹¹ which the Council will consider during the second part of its thirtieth session.

18. In paragraph 13 of its decision, the Council expressed its appreciation for the Commission's work on the development of the draft regional environmental management plan for the Area of the northern Mid-Atlantic Ridge, and requested the Commission to review the draft in the light of its standardized procedure and template for the development, establishment and review of regional environmental management plans, once adopted by the Council, and to ensure that all regional environmental management plans, including the plans under consideration for the Area of the north-west Pacific Ocean and the Indian Ocean, are developed in accordance with the standardized procedure and template.

19. The Commission has taken note of the Council's request and is expected to take further actions after the Council's adoption of the standardized procedure and template.

20. In paragraph 15 of its decision, the Council reiterated the importance of transparency in the Authority, and urged the Commission to hold open meetings, where appropriate and in accordance with the rules of procedure of the Commission, while maintaining its effective operation and recognizing the need to ensure the appropriate confidentiality of data and information, so as to allow for greater transparency in its work, and in that regard welcomed the Commission's holding of an informal open dialogue in the margins of the second part of the Council's twenty-ninth session.

21. The Council's request has already been addressed in the report of the Chair of the Legal and Technical Commission on the work of the Commission at the first part of its thirtieth session.¹²

¹⁰ [ISBA/27/C/35](#)

¹¹ [ISBA/30/C/3](#)

¹² [ISBA/30/C/4](#), paragraphs 33 to 36.

IV. Status of contributions to the voluntary trust fund to support the participation of members of the Legal and Technical Commission

22. In paragraph 17 of its decision, the Council called for contributions to the voluntary trust funds (VTF) to support participation in the meetings of the Authority by developing States, including in the Council, the Legal and Technical Commission and the Finance Committee, and requested the Secretary-General to report on the amount available in each fund at the start and end of each reporting period, as well as a breakdown, by meeting, of the number of developing States that have received support from the funds.

23. As of the amount available in each fund at the start and the end of each reporting period, the voluntary trust funds registered the following amounts:

Voluntary Trust Fund	Start of period (1 April 2024)	End of period (31 March 2025)
Council	\$ 25,271	\$ 3,071
Legal and Technical Commission and Finance Committee	\$ 9,968	\$ 17,224

24. The breakdown by meeting of the number of developing States that have received support from the funds is as follows:

Voluntary Trust Fund	Second part of the twenty-ninth session (July 2024)	First part of the thirtieth session (March 2025)
	Number of developing States	
Council	3	5
Legal and Technical Commission and Finance Committee	16 ¹³	11

25. Owing to general increases in the cost of air tickets, as well as the significant increase in the daily subsistence allowance for Kingston, the Secretariat estimates that approximately \$190,000 will be needed to support the participation of all eligible members of the Commission and of the Finance Committee in the second part of the thirtieth session. For the Commission's meetings in the second part of the thirtieth session, approximately \$170,000 is required.

¹³ Number of the members of the Commission and the Finance Committee from developing States benefited from the VTF.

V. Recommendation

26. The Council is invited to take note of the present report and to provide such guidance as may be necessary. _____