

Summary of the Thirty-first Annual Session of the International Seabed Authority (First Part): 9–19 March 2026

With some countries and companies ready to begin mining critical minerals on the ocean floor, the International Seabed Authority (ISA) faces growing pressure. While the exploration regulations have been in place for several years, negotiations on the exploitation regulations are ongoing. As these negotiations enter a critical stage, the first part of the 31st annual session of the ISA underscored both the progress made and the challenges that remain. With increasing international attention on deep-sea mining, and competing pressures to either accelerate or delay the commencement of mining, the Council’s work has taken on heightened significance.

The regulatory framework for deep-sea mining activities will include the rules, regulations, and procedures governing activities in the Area (the seabed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction). This framework, referred to as the mining code, includes the regulations for prospecting and exploring deep-sea mineral resources (exploration regulations), the regulations for commercial exploitation of the resources, and a set of standards and guidelines to support implementation of the regulations. There is also recognition of the central role that standards and guidelines will play in operationalizing the regime, with increasing attention now being directed toward their development alongside the regulations.

The session opened with calls to maintain momentum generated through intersessional work, alongside recognition that the Council must balance pressure to finalize the regulations with the need for a robust and science-based framework.

During the meeting, the ISA Council continued its negotiations on the draft exploitation regulations. Discussions were structured along four themes, following the thematic approach adopted by the Council at its 30th session:

- environmental matters;
- financial matters;
- regulatory, procedural, and institutional matters; and
- governance matters.

The Council’s discussions were based on an [indicative list of outstanding issues](#), prepared by the Secretariat at the Council’s request. The list identified issues which, among other things, require further work to advance the negotiations and on which the views of Council members have proven most difficult to reconcile. Following focused discussions, members agreed that some issues, such as environmental management and monitoring, can be removed from the list, reflecting progress made during the session.

The Council also debated the scope of resources to be covered by the regulations. Some members favored limiting the draft regulations to polymetallic nodules and others supporting a broader framework applicable to all mineral resources, with resource-specific distinctions to be addressed through the standards and guidelines. Delegates further considered issues including parent company liability statements, confidentiality provisions, the rights and interests of coastal states, underwater cultural heritage, and definitions in the schedule such as “incident” and “notifiable event.” Many of these issues will be further discussed during the intersessional period. In addition, the Council discussed some cross-cutting issues, including the annexes, which contain reporting templates, forms and others, as well as the schedule, which defines the terms used throughout the regulations.

The Council also considered the development of standards and guidelines. Most delegates emphasized their critical role in the exploitation framework, noting that many detailed, resource-specific provisions have been deferred to these instruments. They highlighted that while numerous standards are referenced in the draft regulations, only a few have been developed so far. They underscored the need for urgent progress, including a clear roadmap and timeline.

Accordingly, the Council endorsed a recommendation by ISA-31 Council President Mayank Joshi to request the Legal and Technical

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Commission (LTC) to consolidate and revise the list of standards and guidelines, identify those that should be ready by the time of adoption of the regulations, and develop a timeline or roadmap for their development. The LTC is expected to report on this ahead of the Council's July 2026 meeting.

Overall, the meeting marked progress in structuring and focusing negotiations. However, major issues remain unresolved, including the resource scope of the regulations and the sequencing of standards and guidelines. The Council agreed on the need for continued, structured intersessional work and requested the Secretariat to prepare a further revised consolidated text, incorporating changes made during this session and during the upcoming intersessional period. The text is to be published by 1 June 2026 for consideration by the Council at the second part of the 31st session, in July 2026.

The first part of the 31st annual session of the ISA was held from 9–19 March 2026 in Kingston, Jamaica. More than 250 delegates and observers were in attendance, including representatives from 33 of the 36 Council members.

A Brief History of the ISA

The 1982 UN Convention on the Law of the Sea (UNCLOS), which entered into force on 16 November 1994, sets forth the rights and obligations of states regarding the use of the ocean, its resources, and the protection of the marine and coastal environment. UNCLOS established that the Area (the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction) and its resources are the common heritage of humankind. All parties to UNCLOS are automatically members of the ISA, which currently includes 170 States and the European Union.

Polymetallic nodules were detected for the first time on the deep seabed by the HMS Challenger expedition in 1873. They are distributed on the surface or half-buried across the seabed, principally in the Clarion-Clipperton Zone in the Pacific Ocean. They contain nickel, copper, cobalt, and manganese, among other metals. Additional minerals have since been discovered in the Area: cobalt-rich ferromanganese crusts, which are mineral accumulations on seamounts that contain cobalt, nickel, copper, molybdenum, and rare earth elements; and polymetallic sulphides, which are formed through chemical reactions around hydrothermal vent sites, and contain copper, zinc, lead, silver, and gold.

Under the common heritage regime, UNCLOS provides that:

- no state can claim or exercise sovereignty or sovereign rights over any part of the Area or its resources;
- activities in the Area must be carried out for the benefit of humankind as a whole, irrespective of the geographical location of states, taking into particular consideration developing states' interests and needs;
- the Area and its resources are open to use exclusively for peaceful purposes by all states, whether coastal or land-locked, without discrimination; and
- financial and other economic benefits derived from activities in the Area must be equitably shared, on a non-discriminatory basis.

To address certain difficulties raised by developed countries with the UNCLOS regime for the Area, the 1994 Implementing Agreement was adopted on 28 July 1994 and entered into force on 28 July 1996. The Agreement addresses fiscal arrangements and costs to state parties, institutional arrangements, the ISA decision-making mechanisms, and future amendments.

The ISA is an autonomous institution established under UNCLOS Part XI and the 1994 Implementing Agreement to organize

and control activities in the Area, particularly with a view to administering the resources of the Area. Among other things, the ISA is mandated to provide the necessary measures to ensure the effective protection of the marine environment from harmful effects that may arise from mining activities in the Area.

The ISA organs include the Assembly, the Council, the Finance Committee, the LTC, and the Secretariat. The Assembly consists of all ISA members and has the power to:

- establish general policies;
- set the budgets of the ISA;
- approve the rules, regulations and procedures governing prospecting, exploration, and exploitation activities in the Area, following their adoption by the Council; and
- examine annual reports by the Secretary-General on the work of the ISA, which provide an opportunity for members to comment and make relevant proposals.

The Council consists of 36 members elected by the Assembly, representing:

- State Parties that are major consumers or net importers of the commodities produced from the categories of minerals to be derived from the Area (Group A);
- State Parties that made the largest investments in preparation for, and in the conduct of, activities in the Area, either directly or through their nationals (Group B);
- State Parties that are major net exporters of the categories of minerals to be derived from the Area, including at least two developing states whose exports of such minerals have a substantial bearing upon their economies (Group C);
- Developing State Parties, representing special interests (Group D); and
- Members elected according to the principle of equitable geographical distribution in the Council as a whole (Group E).

The Council is mandated to establish specific policies in conformity with UNCLOS and the general policies set by the Assembly, and to supervise and coordinate implementation of the Area regime.

The LTC comprises 41 members elected by the Council on the basis of personal qualifications relevant to the exploration, exploitation, and processing of mineral resources, oceanography, and economic and/or legal matters relating to ocean mining. The LTC reviews applications for plans of work, supervises exploration or mining activities, assesses the environmental impact of such activities, and provides advice to the Assembly and Council on all matters relating to exploration and exploitation.

The ISA has been developing a mining code, which is a set of rules, regulations and procedures to regulate prospecting, exploration, and exploitation of marine minerals in the Area. To date, the ISA has issued: Regulations on Prospecting and Exploration for Polymetallic Nodules (adopted on 13 July 2000, updated on 25 July 2013); Regulations on Prospecting and Exploration for Polymetallic Sulphides (adopted on 7 May 2010); and Regulations on Prospecting and Exploration for Cobalt-Rich Ferromanganese Crusts (adopted on 27 July 2012). The ISA is in the process of developing exploitation regulations.

Recent ISA Sessions

28th Session: The 28th session was split into three parts in March, July and November 2023. Council Members continued negotiating the draft exploitation regulations; addressed the possible scenarios and any other pertinent legal considerations in connection with section 1, paragraph 15, of the annex to the 1994 Implementing

Agreement, the so call “two-year rule”; reviewed and adopted the LTC report; considered matters about the Enterprise and the status of contracts for exploration and related issues; and discussed the operationalization of the Economic Planning Commission (EPC). The Council agreed on further intersessional work, including by the establishment of several informal groups.

The Council adopted decisions on: the establishment of the position of interim director-general of the Enterprise; the understanding and application of the two-year rule; and the timeline following the expiration of the two-year period. At its third meeting, the Council adopted a decision recalling its request to the LTC to hold open meetings, where appropriate, and requesting the LTC to: annually name those contractors that have responded insufficiently, incompletely, or failed to respond regarding their contractual obligations; clarify the LTC criteria for using the silence procedure; and recommend further improvement for transparency measures while maintaining effective operation and ensuring data and information confidentiality. The Council further requested the Secretary-General to continue to pursue dialogue with contractors who have not yet submitted public templates on their plans of work.

The Assembly faced difficulty in finding consensus on the meeting’s agenda with regard to the addition of two suggested supplementary agenda items: the establishment of a general policy by the Assembly related to the conservation of the marine environment; and terms of reference for the periodic review of the international regime of the Area pursuant to UNCLOS Article 154 (periodic review). The Assembly decided to include the periodic review as an agenda item for its 29th session in 2024 and to extend the current Strategic Plan 2019–2023 by two years. The proposal on a general policy on the protection of the marine environment was to be resubmitted for consideration at the 29th session.

29th Session (First Part): During the first part of the 29th session (18–29 March 2024), for the first time, the Council’s deliberations were based on a consolidated text containing all the draft regulations. Council members managed to discuss one-third of the draft regulations contained in the consolidated text. Member-led intersessional working groups deliberated on several outstanding issues.

The Council also conducted elections to fill a vacancy on the LTC; addressed the report of the Chair of the LTC; discussed the report of the Secretary-General on cooperation with the Commission of the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention); and heard the report of the Secretary-General on incidents in the NORI-D contract area in the Clarion-Clipperton Zone in the Pacific Ocean, inciting a discussion on the right to protest in the high seas and the contractor’s right to conduct authorized activities in the area, arising from a Greenpeace protest in December 2023.

29th Session (Second Part): The second part of the 29th session (15 July – 2 August 2024) culminated in the election of Leticia Reis de Carvalho (Brazil) as the new ISA Secretary-General. She assumed office on 1 January 2025.

The meeting also saw the ISA Council conclude the first reading of the consolidated text. This milestone was celebrated by some as a step closer to adoption, although others stressed that despite this progress, many unresolved issues remain. Delegates also held lengthy discussions on the report of the Finance Committee, eventually forwarding the proposed ISA budget for the next biennium to the Assembly for its consideration. The Assembly ultimately adopted the budget, despite concerns by some members.

Some contentious issues emerged during the meeting, including disagreement over initiating a second periodic review of the international regime of the Area and developing a general policy for marine environmental protection, both of which lacked consensus and were scheduled to be revisited at the next Assembly meeting in July 2025.

30th Session (First Part): During the first part of the 30th session (17–28 March 2025), the Council commenced the second reading of the revised consolidated text, completing regulations 1–55. Among other things, the negotiations resulted in delegates agreeing to refer to prevention of “harmful effects” rather than “serious harm” to the marine environment in accordance with UNCLOS.

During the session, delegates held a thematic discussion on underwater cultural heritage (UCH) as well as a high-level discussion on the standards and guidelines that will support the implementation of the exploitation regulations. Delegates also discussed next steps, including modalities for intersessional work. A new working modality, called “Friends of the President,” was created by the ISA-30 Council President to provide a flexible arrangement for interested delegates and observers to deep-dive into specific issues.

Just before the final day of the meeting, delegates learned that The Metals Company USA LLC (TMC USA) had announced their intention to initiate an application for commercial deep-sea mining under the laws of the US, a non-UNCLOS party. Responding to this announcement, Secretary-General Carvalho, on the meeting’s final day, warned that “any unilateral action on deep-sea mining would constitute a violation of international law.”

30th session (Second Part): During the second part of the 30th session (7–25 July 2025), the Council completed the second reading of the revised consolidated text, covering the remaining provisions. It also addressed key cross-cutting issues, including the financial regime (such as an equalization measure), the inspection, compliance and enforcement mechanism, and UCH provisions.

Despite this progress, many issues remained unresolved. The Council agreed to continue working during the intersessional period ahead of the 31st annual session, supported by further revisions to the consolidated text to be prepared by the Secretariat.

The Assembly took place from 21–25 July 2025 and considered a range of policy and institutional issues but was unable to reach consensus on several key matters. Delegates continued discussions on a proposed general policy for the protection and preservation of the marine environment, with divisions persisting over the Assembly’s role and the adequacy of existing legal frameworks. The Assembly also deferred consideration of the second periodic review of the international regime of the Area, despite broad support for undertaking it, due to differing views on timing. For instance, several members maintained that the ISA should first complete the exploitation regulations before undertaking the review.

ISA-31 Council (Part I) Report

On Monday, 9 March, Duncan Muhumuza Laki (Uganda), outgoing Council President, opened the first part of the 31st annual session of the ISA. He acknowledged “tremendous” intersessional progress since the end of the 30th session and thanked facilitators of Friends of the President and informal working groups. He urged the Council to rise to the expectations of the international community and finalize a comprehensive, efficient, and balanced regulatory

framework to govern the exploitation of mineral resources in the Area.

ISA Secretary-General Leticia Reis de Carvalho urged the Council to maintain the momentum achieved during the intersessional period. She underscored the importance of collaborating with the Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement) to achieve consolidated ocean governance. She further highlighted the Secretariat's work on capacity-building, noting that since 1994 more than 1,000 individuals have received training through ISA-supported programmes, projects, and initiatives.

JAMAICA, as host country, welcomed delegates back to Kingston. They underscored increasing global demand for rare minerals and called for intentional and pragmatic progress to ensure deliberations on the exploitation regulations. They urged that dialogue at this session should be guided by principles of inclusivity and transparency, respecting the diverse perspectives of members.

Several delegations expressed solidarity with Jamaica in its recovery following the devastating impacts of Hurricane Melissa in October 2025.

CHINA lamented the US March 2025 Executive Order aimed at increasing mineral production and developing mining of seabed mineral resources within the US Exclusive Economic Zone (EEZ) and beyond. They noted that the decision turns a deaf ear to ISA's mandates and undermines progress achieved in the exploitation regulations. They urged the Authority to find pragmatic ways to resist illegal exploitation and firmly defend the seabed as the common heritage of humankind. CHINA added that the early adoption of the regulations is essential to boosting confidence in the Authority.

The RUSSIAN FEDERATION reiterated the urgency for the exploitation regulations, supported by standards and guidelines for reliable, sustainable, and holistic exploitation approaches. They noted that while the BBNJ Agreement offers areas of cooperation, its operationalization should not limit ISA's delivery on its own specific mandates.

CHILE said activities in the Area cannot commence without sufficient scientific knowledge on impacts on marine biodiversity and completion of a legal framework for application of the precautionary principle. On the exploitation regulations, they urged upholding the agreement that nothing is agreed until everything is agreed.

MEXICO emphasized the importance of operationalization of the EPC prior to the approval of exploitation regulations. MOROCCO underscored the importance of extending capacity-building to developing State Parties to undertake mining activities.

SOUTH AFRICA lamented the current formulation of the list of outstanding issues, which should have taken the form of a broad overview of areas requiring more effort rather than a focus on the draft regulations. FRANCE underlined that seabed management is within the exclusive competence of the ISA, emphasizing that any unilateral action in the Area is contrary to international law. They urged the ISA to take all the time needed to manage its mandate on the basis of science.

The DEEP SEA CONSERVATION COALITION (DSCC) emphasized that the EPC is key for ensuring benefit-sharing and compensation, and called for its operationalization. They urged strengthening governance frameworks such as the compliance

committee and further urged ISA to resist coercion for artificial deadlines.

GREENPEACE INTERNATIONAL applauded the Council's rejection of unilateral action of a contractor attempting to apply for mining permits under US domestic law rather than through the ISA, and called for a collective moratorium against such ventures.

President Laki thanked Council Members and the Secretariat for all their efforts in moving the Council's work forward, noting that through persistence and a shared sense of cooperation, the Council has demonstrated that it can continue to move forward with the necessary political will. He underlined that continued collective efforts are critical to help the ISA fulfil its responsibility under UNCLOS to deliver the mining code.

Organizational Matters

Adoption of the Agenda: On 9 March, ISA-30 Council President Laki introduced the agenda ([ISBA/31/C/L.1](#)), which was adopted.

Election of Officials: On 9 March, the Council elected by acclamation Mayank Joshi (India), as Council President for ISA's 31st session, following his nomination by the Philippines, on behalf of the Asia Pacific Group.

President Joshi stressed that the international community is looking to the ISA to advance its mandate with seriousness and urgency. He invited all Council members to engage actively and constructively during the 31st session to ensure progress towards delivery of a coherent mining code. President Joshi also noted there are other items on the Council's agenda, such as institutional, financial, and environmental matters, that are essential to the functioning of the ISA.

South Africa, for the African Group, Costa Rica, for the Latin American and Caribbean Group (GRULAC), and Italy, for the Western European and Others Group, were elected as Vice-Presidents. The election of a representative of the Eastern European Group remained pending.

Report of the Secretary-General on the Status of Contracts for Exploration and Related Matters: On Monday, 16 March, Secretary-General Carvalho presented the report, including updates on the status of contracts, periodic reviews of plans of work, extensions of exploration contracts, and relinquishment obligations ([ISBA/31/C/3](#)).

TRINIDAD AND TOBAGO stressed that monitoring exploration contracts is a key pillar for managing the resources of the common heritage of humankind and welcomed the information on contract transfers and sponsorship responsibilities outlined in the report. Several members highlighted the importance of transparent monitoring of exploration activities and ensuring contractors comply with their contractual and environmental obligations under the Convention.

INDIA welcomed the approval of its exploration contract for polymetallic sulphides in the Indian Ocean, noting that the contract entered into force on 15 September 2025, and thanked the LTC for facilitating its approval. They further recalled hosting the 8th Annual Meeting of ISA Contractors in Goa, describing it as a productive forum for technical exchange. They asked when their 2023 application for a cobalt-rich crust exploration contract will be considered, noting it remains under review.

The AFRICAN GROUP emphasized that extensions should only be granted where contractors demonstrate fulfilment of environmental, technical, and financial obligations, and called for clear milestones in approved plans of work and timely environmental data sharing. TRINIDAD AND TOBAGO

emphasized the importance of transparent monitoring of exploration contracts and oversight of transfers or changes in sponsorship to safeguard ISA's interests.

TONGA emphasized transparency and consistency in the review of exploration contracts and extension procedures. They urged clarity on procedures and non-discriminatory processes, referring to the approval of six out of eight applications with deferral of two due to workload constraints.

The Council took note of the report.

Report of the Secretary-General concerning the operationalization of the Economic Planning Commission:

On Monday, 16 March, the Council considered the report of the Secretary-General on the operationalization of the EPC, which contains a draft Council decision ([ISBA/31/C/11](#)). The report and draft Council decision focused specifically on the election mechanisms for EPC members.

Introducing the item, Secretary-General Carvalho noted that the report should be read in conjunction with the [annex](#) to the LTC Chair's report, which contains the LTC's draft recommendation on an election mechanism for EPC members. She recalled that the EPC's operationalization does not imply the immediate assumption of all its substantive responsibilities, but would instead follow an evolutionary approach, beginning with election of its members, followed by the adoption of its rules of procedure and other matters. She further noted that the EPC's functions have so far been undertaken by the LTC.

Commenting on the report and draft decision, many Council members underscored the importance of the EPC. GRULAC highlighted that the EPC will play a key role in supporting the ISA in assessing the economic impacts of activities in the Area on land-based mining producers, which is very important for many developing countries. They supported the draft decision and proposed including some preambular text from Council Decision [ISBA/30/C/17](#) on the operationalization of the EPC, to strengthen the current text.

CHINA emphasized that the establishment and operation of the EPC should be consistent with UNCLOS, cost-effective, and structured to ensure the EPC can fulfil its functions efficiently.

The AFRICAN GROUP stressed that no plan of work for exploitation should be approved until the EPC is established and operational. They called for a clear operationalization timeline and emphasized that the EPC's credibility and effectiveness will depend on a transparent and legitimate election process, equitable geographic representation, and balanced expertise. The AFRICAN GROUP also stressed that the Council should retain full control over the nomination and election process.

Several delegations emphasized the importance of equitable geographic representation and participation of developing countries. INDONESIA suggested that the Secretariat should provide clear criteria, including those derived from the Convention, to guide the operationalization process. TRINIDAD AND TOBAGO emphasized the importance of qualifications and equitable geographic representation and stressed that the EPC should be operationalized before the approval of the first exploitation plan of work.

The RUSSIAN FEDERATION proposed that the EPC should include representation from developing states with land-based mining sectors that could be affected by activities in the Area, suggesting minimum representation thresholds. They also asked how equitable geographic representation would be implemented

and suggested drawing on criteria used for the election of Council members.

Other delegations asked about the EPC's timing and structure. JAPAN cautioned against prematurely establishing the EPC as a permanent subsidiary body. They noted that its functions are currently performed by the LTC and recalled that the 1994 Implementation Agreement enables this arrangement to continue until the approval of the first exploitation plan of work. JAPAN also urged caution in any future increase in the number of EPC members beyond the minimum membership, drawing lessons from the increasing size and resource constraints of the LTC.

The SUSTAINABLE OCEAN ALLIANCE stressed the importance of the EPC in assessing potential adverse economic impacts on land-based mining states, noting that such analysis should be conducted before exploitation activities begin.

The Council took note of the report. Council President Joshi stated that the Secretariat will incorporate delegations' comments into a revised draft decision for further consideration.

Report of the Secretary-General on the Engagement and Cooperation with BBNJ Bodies and Processes: On Monday, 16 March, the Council considered the Secretary-General's report, which contains an annexed draft Council decision ([ISBA/31/C/2/Rev.1](#)).

Presenting the report, Secretary-General Carvalho highlighted the importance of the entry into force of the BBNJ Agreement for the work of the ISA and vice versa. She noted that the report identifies key areas where cooperation between the two regimes may be required. Referring to the provisions of the BBNJ Agreement, she emphasized that it should be implemented in a manner that does not undermine existing international bodies, including the ISA. She also noted that where environmental impact assessments (EIAs) conducted under ISA rules are considered equivalent to those required under the BBNJ Agreement, no additional assessments would be required.

Delegates broadly supported enhanced cooperation between the ISA and BBNJ processes, while emphasizing the need to preserve the ISA's mandate. SINGAPORE stressed the importance of developing modalities for operationalizing alignment between the two regimes, including ensuring that the ISA is equipped with the necessary expertise. MOROCCO emphasized that implementation of the BBNJ Agreement should complement rather than compete with the ISA's mandate.

The AFRICAN GROUP highlighted the need for coordination between regional environmental management plans (REMPs) and area-based management tools (ABMTs), as well as for cooperation in areas such as capacity-building, technology transfer, and environmental monitoring. NORWAY emphasized that while the mandates of the ISA and BBNJ are distinct, there are areas of overlap where transparency and information exchange will be important. FIJI highlighted that co-existence between the two regimes is key and emphasized that cooperation should be guided by clear principles, including respect for mandates and effective implementation by the ISA.

The BAHAMAS emphasized the importance of strengthening independence and transparency of technical bodies. It also stressed that standards developed under the BBNJ Agreement should serve as a floor, rather than a ceiling, for environmental protection in activities in the Area. The CENTRE FOR POLAR AND DEEP OCEAN DEVELOPMENT highlighted that cooperation between the ISA and BBNJ should be guided by a coherent and flexible

approach, including both formal and informal mechanisms such as information exchange and capacity-building initiatives.

JAPAN emphasized the need to maintain a balance between the ISA's authority over activities in the Area and the development of ABMTs under the BBNJ Agreement and proposed clarifying the role of the LTC in environmental assessments.

Delegates also commented on the draft Council decision. Several highlighted the paragraph stating that the Secretary-General shall evaluate and provide timely input to ABMT proposals under the BBNJ Agreement and emphasized that this role would more appropriately be undertaken by the LTC, not the Secretary-General. WWF INTERNATIONAL emphasized that evaluating such proposals will require consideration by ISA Member States through bodies such as the Council.

Several members, including the FEDERATED STATES OF MICRONESIA, AUSTRALIA, CHILE and others, were of the view that adopting a decision on cooperation now is premature, as the BBNJ Agreement's bodies and processes have not been established. GERMANY and AUSTRALIA cautioned against preempting decisions that have yet to be taken under the BBNJ process, with GERMANY noting that arrangements for cooperation may need to be revisited once BBNJ institutions are fully established. AUSTRALIA suggested that the ISA should instead focus on preparing internal policies and procedures for the Council's consideration.

The UK suggested taking additional time to assess what will be required of the ISA under the BBNJ Agreement, and CHILE noted that institutional implications should be considered following further developments in the BBNJ process.

CANADA supported proactive consideration of cooperation with BBNJ processes but noted that BBNJ bodies and institutional arrangements are not yet established. They cautioned that any decision adopted at this stage may need to be revisited following the Agreement's first meeting of the Conference of the Parties (COP). CANADA, supported by INDONESIA and others, also suggested maintaining a standing agenda item to ensure that developments under the BBNJ Agreement are addressed in a timely manner by the ISA. INDONESIA also proposed annual reporting on BBNJ-related developments and suggested that the draft Council decision should lay the groundwork for ongoing cooperation between the ISA and BBNJ processes, including through the exchange of data and expertise.

ITALY underscored that discussions at the upcoming meeting of the BBNJ Preparatory Commission would provide further clarity on how cooperation should proceed. They suggested postponing discussion and adoption of the draft decision until the July Council meeting. WWF INTERNATIONAL stressed that modalities for cooperation should be developed once BBNJ bodies are fully operational and that further consideration of the issue may be more appropriate at the level of the Assembly.

OCEANS NORTH noted that while the draft decision appears premature and could be more appropriately considered in July, there remains an urgent need to conserve marine biodiversity, which is at the core of the BBNJ Agreement.

The CENTRE FOR INTERNATIONAL AND OCEANIC LAW noted that not all ISA members are Parties to the BBNJ Agreement and stressed that their interests must also be taken into account in any future cooperation arrangements.

The RUSSIAN FEDERATION expressed concern about the broader implications of the BBNJ Agreement, arguing that it places

a disproportionate emphasis on biodiversity conservation relative to sustainable development. They highlighted that one of the Agreement's main tools is the establishment of extensive networks of marine protected areas (MPAs), within which activities such as deep-sea mining could be restricted or prohibited. They said such measures could threaten the legal rights and interests of contractors operating in the Area and emphasized that the ISA has an exclusive mandate over activities in the Area with respect to mineral resources.

The Council took note of the Secretary-General's report.

Noting that several delegations consider the Council decision to be premature, Council President Joshi proposed, and the Council agreed, to defer further consideration of the draft decision to the second part of the 31st session of the Council, to be held in July 2026.

Consideration, with a View to Approval, of Applications for Extension of a Contract for Exploration: On Wednesday, 18 March, the Council approved the applications for extensions of the polymetallic nodule exploration contracts for the following contractors:

- Interoceanmetal Joint Organization ([ISBA/31/C/5](#); [ISBA/31/C/L.2](#))
- JSC Yuzhmorgeologiya ([ISBA/31/C/6](#); [ISBA/31/C/L.3](#))
- Government of the Republic of Korea ([ISBA/31/C/7](#); [ISBA/31/C/L.4](#))
- China Ocean Mineral Resources Research and Development Association ([ISBA/31/C/8](#); [ISBA/31/C/L.5](#))
- Deep Ocean Resources Development Co. Ltd ([ISBA/31/C/9](#); [ISBA/31/C/L.6](#))
- Institut français de recherche pour l'exploitation de la mer ([ISBA/31/C/10](#); [ISBA/31/C/L.7](#))

Credentials: On Wednesday, 18 March, Secretary-General Carvalho provided an oral report on the credentials of Council members, noting 33 states submitted credentials and three states submitted related information. The Council took note of the report.

Report of the Chair of the LTC

On Monday, 16 March, the Council considered the report of the work undertaken by the LTC and the related addendum ([ISBA/31/C/4](#) and [Add.1](#)). The addendum describes the implementation of the ISA-30 Council decision ([ISBA/30/C/19](#)), requesting additional information from contractors potentially at risk of non-compliance with their contractual obligations. Following this decision, the Secretary-General wrote to 21 contractors, requesting information on any incidents or circumstances that could lead to non-compliance and on measures taken to ensure compliance. All contractors responded, indicating no such incidents. Two of these also challenged the legality and procedural basis of the request.

Many delegates applauded the increase in participation, noting 33 LTC members attended the last meeting. Several also called for support to ensure participation. IRELAND pledged EUR 20,000 to support the participation of developing country members of the LTC and Finance Committee.

Regarding additional compliance information, several delegates, including ITALY, UK, MEXICO, RUSSIAN FEDERATION, IRELAND, BELGIUM, the NETHERLANDS, SWITZERLAND and others, supported the inquiry noting that the request for information is consistent with the UNCLOS and represents a legitimate exercise of the Authority's oversight. CHINA said that strengthened reporting reinforces the Authority's oversight. GERMANY, SPAIN, and BRAZIL supported continued follow-up

with contractors where information was insufficient and stressed the need for transparency and accountability in monitoring compliance.

TONGA reaffirmed their full compliance with their responsibilities as a sponsoring state, highlighting their maintenance of a robust domestic regulatory framework to monitor contractor compliance. They opposed inferences to Tonga entering bilateral agreements that conflict with UNCLOS or the ISA's mandate, adding that the country's exploration contract remains in good standing. TONGA requested clarification from the LTC on the matter and called for greater transparency regarding the methodology applied.

NAURU also emphasized their strong record of compliance with their obligations, highlighting their comprehensive legislative framework. They raised concerns about transparency in the process of requests for additional information and requested clarification on the criteria used by the LTC in identifying contractors requiring additional scrutiny. NAURU stressed the need for transparency and adherence to the principle of non-discrimination.

SINGAPORE stressed that any follow-up with contractors should remain transparent and non-discriminatory. The US aligned themselves with Nauru's position, stating that it reflects the perspective of a sovereign state speaking on behalf of its people. They highlighted the importance of carefully considering such concerns in the Council's deliberations.

GREENPEACE INTERNATIONAL argued that Nauru Ocean Resources Inc. and Tonga Offshore Mining Ltd., both ISA contractors that are wholly owned subsidiaries of The Metals Company (TMC), are in breach of their exploration contracts through their links to TMC USA's unilateral US mining application. They highlighted TMC USA's failure to accept ISA control, lack of good faith, and unlawful transactions through affiliates and subcontractors. GREENPEACE INTERNATIONAL urged the ISA to investigate, enforce compliance, and deny extensions to these entities.

Regarding the status of training programmes, the AFRICAN GROUP and COSTA RICA called for at-sea experience and hands-on technical training to enable developing countries to participate effectively in activities in the Area. SOUTH AFRICA, BANGLADESH, and CAMEROON also stressed the importance of expanding training opportunities and improving geographical representation.

CAMEROON drew attention to the inaugural in-person African Academy for Deep Sea Diplomacy workshop held in Yaoundé on 9–13 February 2026, highlighting it brought together African experts and policymakers to strengthen regional expertise on deep-seabed governance.

The RUSSIAN FEDERATION announced upcoming training initiatives, including a theoretical training programme on polymetallic sulphide exploration scheduled to begin in August 2026, as well as additional training opportunities linked to contractors' work plans.

On environmental threshold values, delegations welcomed the progress made by the intersessional expert group to advance the development of environmental threshold values, noting its role in implementing the precautionary approach and safeguarding marine ecosystems as activities in the Area advance. SINGAPORE, the NETHERLANDS, INDIA, PORTUGAL, and SWITZERLAND highlighted the need to establish threshold values through science-based methodologies. INDIA said threshold values should consider the different environmental conditions across regions.

The DEEP OCEAN STEWARDSHIP INITIATIVE highlighted the need for additional expert input on ecosystem parameters, particularly biodiversity loss, noting the relevance of work under the Convention on Biological Diversity.

Regarding standards and guidelines for activities in the Area, the Council commented on the proposed three-phase outcome-oriented approach. AUSTRALIA, IRELAND, the NETHERLANDS, PORTUGAL, and SWITZERLAND urged the Council to provide guidance so that work on priority standards, particularly those required for the first phase, can begin promptly. INDIA called for a clear timeline for their development. SINGAPORE highlighted the importance of ensuring that contractor performance aligns with applicable standards and guidelines.

Regarding the development, establishment, and review of REMPs, delegates welcomed continued progress in the development of REMPs on a science-based and precautionary basis, consistent with the provisions of UNCLOS and the 1994 Agreement. INDIA, PORTUGAL, and the PHILIPPINES applauded progress on the REMP for the North-West Pacific Ocean, including forthcoming scientific consultations and the planned workshop in Busan, Republic of Korea, which aims to support the development of the plans. Council members also commended preparatory work for REMPS for the Clarion-Clipperton Zone and the draft REMP for the northern mid-Atlantic Ridge.

The RUSSIAN FEDERATION expressed support for advancing REMPs in areas where exploration contracts are already in place, emphasizing their importance for identifying sensitive ecosystems and strengthening environmental protection measures.

On data management, the PHILIPPINES highlighted the importance of improving access to environmental data generated through exploration activities. SOUTH AFRICA highlighted that enhanced data generation from exploration activities contributes to the Authority's scientific knowledge base. The ENTERPRISE highlighted the importance of robust data management systems for supporting future joint ventures and for improving understanding of the Area's mineral resources.

On the EPC election mechanism, JAMAICA, the AFRICAN GROUP, ARGENTINA, CHILE, MEXICO, POLAND, INDONESIA, COSTA RICA, and NAURU welcomed progress toward establishing a clear and structured procedural mechanism for the operationalization of the EPC and election of EPC members. They underscored the importance of transparency, equitable geographical representation, and institutional effectiveness, while recognizing the supportive role of the LTC in facilitating the EPC's operationalization.

On the "See Her Exceed" (SHE) mentorship programme, JAMAICA, BRAZIL, BANGLADESH, BELGIUM, PORTUGAL, and the PHILIPPINES welcomed the various initiatives being undertaken by the programme to increase women's participation in deep-sea research and seabed-related activities.

The Council took note of the report.

On Thursday, 19 March, the Council adopted a decision relating to the LTC report on the implementation of the Council's earlier decision requesting additional information from contractors at risk of non-compliance with their contractual obligations.

Final Outcome: In its decision, the Council:

- reminds all exploration contractors of their contractual obligations;
- reminds sponsoring States of their due diligence obligations; and

- takes note of the LTC's identification of contractors requiring specific attention under section 27 of the Standard clauses and its ongoing requests for additional information and awaits its report on the issue during the second part ISA-31.

The Council also supports the LTC's intent to continue its inquiry and awaits its report and recommendations, and requests the LTC to:

- consider information obtained as a result of the Secretary-General's inquiry to contractors, any other relevant information that may be held, obtained, or received by the Authority, as well as publicly available information, as the LTC deems appropriate;
- continue to ensure due process, transparency and fairness at every stage in the conduct of the inquiry, including by contractors and sponsoring States with the right to respond; and
- continue to provide any contractor affected by issues identified by the LTC with a copy of the information in accordance with the procedures established in the Council Decision [ISBA/30/C/19](#).

The Council further calls on the Secretary-General to request sponsoring States whose sponsored contractors are identified by the LTC to provide additional information on: how they intend to ensure that their sponsored contractors comply with all applicable obligations under UNCLOS; and the measures they will take to ensure that the exclusive exploration rights of the contractors remain within the limits of the UNCLOS and the ISA's mandate.

The Council also:

- requests the Secretary-General to continue supporting the LTC in carrying out its functions of supervision and inspection including by facilitating information sharing with sponsoring States;
- invites the LTC Chair to provide responses to issues raised by the Council with respect to the report on additional information requested; and
- notes that this information shall be targeted to address issues identified by the LTC and treated with applicable confidentiality rules.

Consideration, with a View to Adoption, of the Draft Regulations on Exploitation

The Council held informal discussions over the course of the two-week session on the draft exploitation regulations. Discussions focused on the key outstanding issues identified by the Secretariat in the [indicative list of outstanding issues](#), which were structured under the following four themes, following the thematic approach [decided](#) by the Council at its 30th session:

- environmental matters;
- financial matters;
- regulatory, procedural and institutional matters; and
- governance matters.

In addition, the Council discussed some cross-cutting issues, including annexes, schedules, and standards and guidelines, also outlined in the Secretariat's indicative list. This section summarizes all discussions, except for the more informal discussions in the Friends of the President groups. The discussions are organized thematically.

On Monday, 9 March, Secretary-General Carvalho presented the Further Revised Consolidated Text of the draft regulations on exploitation of mineral resources in the Area ([ISBA/31/C/CRP.1/Rev.2](#) and [ISBA/31/C/CRP.2/Rev.2](#)) and the draft indicative list of outstanding issues ([ISBA/31/C/CRP.4](#)). She noted the documents are non-binding and do not prejudice delegates' positions or the Council's decision.

Many delegates welcomed the documents as a useful basis for the Council's discussions. ITALY suggested that discussions should focus on the most pressing issues and welcomed the Secretariat's list of outstanding issues as covering the key cross-cutting themes, while remaining open to considering additional issues raised by members.

The AFRICAN GROUP reiterated that the principle of the common heritage of humankind must remain central to governance of activities in the Area. They noted that critical work remains outstanding, emphasized the need to focus on key unresolved issues and stressed that the mining code must be comprehensive and responsive to the concerns of members, particularly developing states. The AFRICAN GROUP also urged action to operationalize the Enterprise and EPC.

GRULAC noted the draft indicative list leaves out some key issues such as draft regulation 37 on obligations related to training, requiring contractors conducting deep-sea mining activities to develop and implement a training programme particularly for developing states. They also stressed the need to operationalize the EPC and reiterated that commercial exploitation in the Area should not commence until the rules, regulations and procedures governing exploitation are finalized.

GERMANY highlighted areas for further work including on liability, the royalty regime, and how subsidies could affect developing country participation in mining activities. They called for focusing on EIAs, particularly considering the relevant provisions under the BBNJ Agreement and stressed that the Authority should not rely solely on contractor-provided data.

INDIA cautioned against extending the indicative list further, drawing attention to the need to resolve potential bias in the financial model, which is largely based on resource data from the Pacific Ocean, and suggested that greater consideration of Indian Ocean resource data is necessary to ensure balance.

NAURU stated that the compliance committee discussions are advanced and should no longer be treated as outstanding.

COSTA RICA called for working on the standards, guidelines, and key institutional elements necessary to operationalize the mining code, saying these must be developed before the exploitation regulations can be adopted. They also called for a report on actions taken under previous Council decisions, particularly concerning violations of exploration contracts and contractor compliance, stressing that compliance should be a prerequisite for contract extensions.

BRAZIL cautioned that continued progress must not come at the expense of ensuring that the regulations are robust and grounded in the best available science. They stressed that several institutional mechanisms, including a benefit-sharing mechanism, must be in place before any mining activities commence. BRAZIL also expressed concern over threats of unilateral deep-sea mining in areas beyond national jurisdiction, emphasizing that the ISA represents the rule of law and multilateral cooperation. They warned that the mere adoption of exploitation regulations may not be sufficient to prevent unilateral action and stressed that ISA members must ensure that activities in the Area cannot become legally recognized outside the framework of Part XI of UNCLOS.

SPAIN emphasized that activities in the Area must respect the principle of the common heritage of humankind and reiterated opposition to unilateral action. They stressed that the effective protection of the deep sea remains fundamental and reiterated their support for a precautionary pause on deep-seabed mining.

POLAND underscored that rules governing activities in the Area must be established in accordance with UNCLOS, and therefore the Council should continue its work on the exploitation regulations. They stressed that mining activities should only proceed once robust exploitation regulations are in place.

IRELAND cautioned that it is not realistic to complete the exploitation regulations this year, stressing that the standards and institutional structures such as the inspection mechanism still need further work. They suggested advancing the draft regulations sufficiently to “park” them, allowing the Council to focus on developing the necessary standards and institutional arrangements. IRELAND clarified that parking the regulations would not imply adoption or provisional adoption.

JAPAN supported proceeding based on the Secretariat’s indicative list of outstanding issues and programme of work. SWITZERLAND expressed willingness to contribute constructively toward the development of a robust regulatory framework grounded in the best available science, including the necessary standards and institutional mechanisms.

The US reiterated its support for the development of the ISA regulatory regime and looked forward to engaging constructively, including as a potentially affected coastal state with decades of experience in extractive industries.

ZIMBABWE emphasized the importance of a science-based and precautionary approach to deep-sea mining. They stressed that “what we don’t understand must be approached with humility,” noting that progress without precaution represents risk. ZIMBABWE also noted that any move toward deep-sea mining must consider the economic implications for land-based mineral producers and emphasized that if the deep seabed is truly the common heritage of humankind, then principles of equity and precaution must guide decision-making.

Review of the Progress on the Draft Regulations: On Thursday, 19 March, Council President Joshi provided a brief overview of progress during this session and stated that delegates’ inputs and revisions will be incorporated into a further revised consolidated text, to be published by 1 June 2026.

The Council agreed on the need for structured intersessional work to advance negotiations. Council President Joshi urged working group and Friends of the President facilitators to submit revised versions of text in a timely manner to facilitate the process.

Key Outstanding Issues: Environmental Matters

Reference to Regional Environmental Management Plans (REMPs): This informal working group took place on Tuesday, 10 March, facilitated by Emma van den Boogaard (the Netherlands). Delegates discussed several issues including the legal nature of REMPs. Most delegations agreed that REMPs should be considered both policy documents and legally binding instruments. The group also considered the proposals on how references to REMPS should be made across the regulations, in order to establish a common understanding

Several delegations also highlighted the relationship between REMPs and exploitation contracts, agreeing that REMPs should be finalized prior to approving exploitation activities. One delegation proposed that once a Plan of Work is approved, the associated environmental commitments and relevant elements of the REMP should be reflected in the Exploitation Contract to ensure legal clarity.

On **regulation 12** (rules for considering applications), a delegation emphasized that the Commission “shall” not recommend approval of a Plan of Work that does not comply with the relevant

requirements, making the obligation mandatory. Others supported language ensuring that the Commission considers applications only where a REMP exists for the relevant area.

On **regulation 14** (amendments to the proposed plan of work), delegations considered amendments to ensure REMPs are appropriately incorporated into the Plan of Work with the applicant to respond to requests within a specified period. Delegates agreed that a Plan of Work inconsistent with the REMP would undermine the integrity of the entire regulatory framework.

On **regulation 15** (Commission’s recommendation on a plan of work), delegations noted the importance of amendments clarifying grounds in which the Commission may disapprove a Plan of Work including inconsistency with a REMP, activities in protected or reserved areas, insufficient environmental baseline data, risks of monopolization, or prior serious violations by an applicant.

Environmental Management and Monitoring: On Tuesday, 10 March, Anja Morris (Norway) facilitated the informal working group on environmental management and monitoring. She explained that some revisions were introduced to the text to address concerns regarding the handling of incidents and notifiable events.

On the environmental management and monitoring plan (EMMP) (**regulation 50**), one member noted that an environmental management system does not create environmental objectives but rather clarifies them. Another member also supported text requiring contractors to use an independent auditor to conduct the performance assessment of the EMMP.

On monitoring and reporting requirements, one member proposed deleting the bracketed reference to “monthly/annually” in **regulation 51**, arguing that the frequency of environmental data submission will depend on the type of data and should instead be addressed in standards and guidelines.

One member called for language clarifying that modifications to EMMPs will be in accordance with **regulation 57** (Modification of a Plan of Work by a Contractor), not through a bespoke modification process. Several delegations questioned references in the text to “monitoring” risk, noting risk can only be managed, not monitored.

One delegation proposed deleting the paragraph referencing the compliance committee, noting that issues of non-compliance are addressed elsewhere in the regulations. Some members suggested replacing “continually” with “continuously” in relation to monitoring.

Test Mining and Pilot Mining: This informal working group, co-facilitated by Steven Vandendorpe (Belgium), Ingo Narberhaus (Germany), and Yang Liu (China), took place on Thursday, 12 March. The Co-Facilitators reported on intersessional work, recalling their joint proposal introducing a two-phase approach consisting of test mining followed by pilot mining, aimed at generating operational and environmental data prior to commercial production.

They noted that test mining during the exploration phase is legally feasible and allows regulators to evaluate environmental impacts, assess contractors’ technical capabilities, and determine the feasibility of mining systems. They identified three key issues arising from intersessional work for further negotiations: the two-phase testing framework, exemptions from test mining, and issues on monitoring.

On the two-phase approach, delegations expressed different opinions on the distinction between test mining and pilot mining. Some considered that test mining is a small-scale activity that occurs during the exploration phase, aimed at verifying technical feasibility,

testing equipment, and informing environmental impact assessments. Pilot mining was viewed as a larger-scale phase intended to test integrated mining systems, validate production capacity, and assess economic viability. Questions arose regarding timing, duration, links to exploitation approval, and financial implications, including treatment of minerals recovered during testing.

Discussions on the advantages and concerns of a two-phase approach highlighted that progressive testing at increasing scales could generate empirical environmental data before commercial production, improving accuracy of impact predictions. It may also assist regulators to assess contractors' technical and environmental performance before approving exploitation. However, concerns were raised that having two testing phases may result in accumulated environmental harm or impose a costly burden on contractors. Participants also stressed the need for clearer thresholds, monitoring frameworks, and flexible, phased testing approaches supported by detailed standards and guidance.

On exemptions for test mining, some delegations supported such exemptions where technologies are proven and robust data from previous testing exists, highlighting the expense and complexity of mining trials. Exemptions, they noted, could also be considered where contractors demonstrate the use of mature, reliable technologies and sufficient technical and environmental data, including results from recognized testing procedures or prior operational experience.

Others emphasized that exemptions should be granted only under strict conditions, such as when previous testing data is directly relevant to the proposed operation, the contractor demonstrates technical capability, and EIAs meet required standards for the specific area.

Some delegations stressed that each contractor must demonstrate performance in the specific site conditions, while some opposed exemptions entirely, arguing that deep-sea environments are highly variable and require site-specific testing and assessment.

Regarding monitoring during and after test mining and pilot mining, delegations supported monitoring before, during, and after test mining and pilot mining to track real-time environmental responses, assess mining system performance, and detect delayed or cumulative impacts following testing activities. There was also broad support for independent monitoring, review, and validation/verification of the outcomes.

Co-Facilitator Yang, on behalf of the three co-facilitators, acknowledged the importance of environmental safeguards during test and pilot mining, noting that this regulation is situated within the section of the regulations addressing the EIA process. He reported that negotiations would continue in the informal working group during the intersessional period and reopened at the second part of ISA-31.

Conditions for Beginning Exploitation of the Area: On Wednesday, 18 March, President Joshi facilitated discussions on this issue, inviting members' views on whether **regulation 2**, paragraph 3 should be retained and, if not, what alternative approach might be preferred.

Several delegations supported retaining the paragraph, underlining that it gives effect to the precautionary approach, and that adoption of the exploitation regulations does not automatically mean that exploitation should commence. Many supported specifying in the regulation that commercial exploitation should not begin until all standards and guidelines have been adopted. One delegate pointed out the importance of the paragraph for ensuring

effective governance, particularly as key elements such as EIAs are elaborated in standards and guidelines.

A Council member, supported by several others, suggested strengthening the provision by including a requirement that commercial exploitation can only commence when "scientific evidence demonstrates that exploitation can be conducted in a manner that ensures effective protection of the marine environment from harmful effects which may arise from exploitation in the Area."

However, some delegations questioned the need for this paragraph. One member stated that the paragraph is mostly redundant as it repeats existing UNCLOS language. Other members asserted that the regulation is not the appropriate place for such detailed provisions, preferring to retain only "high level" language in the regulations. One noted the paragraph contains policy elements that are not appropriate for inclusion in regulations, with suggestions including addressing them in a Council decision.

One Council member noted that other provisions in the regulations, such as **regulations 25** (documents to be submitted prior to commercial production) and **27** (commencement of commercial production), already address conditions for commencing exploitation and questioned the added value of this paragraph. Another member emphasized that regulation 2 should remain focused on principles and approaches, rather than detailed policy conditions.

Regarding specifying that exploitation should only commence when "it would not impede the effective implementation of international frameworks and agreements related to the protection of the marine environment," several delegations reserved their views on this language. Others preferred to delete it, noting that not all ISA members are parties to relevant international agreements.

Financial Matters

The Financial System: On Wednesday, 11 March, José Benchetrit (Canada) facilitated a session that examined the design of the financial system for deep-sea mining. The Council listened to a presentation of an updated fiscal model developed by the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF).

Thomas Lassourd, Lead, Tax and Extractives, IGF, presented an updated fiscal model drawing on data from land-based mining and recent technical reports on polymetallic nodule projects. The model simulates potential revenues, costs, and taxation outcomes under different project scales and fiscal arrangements, based on mining of nodules containing manganese, nickel, cobalt, and copper. The model, he reported, suggests that deep-sea mining could be as competitive as land-based mining depending on, among others, capital expenditure and operational costs.

The base royalty proposed as the primary payment by contractors to the ISA for extraction is calculated as a percentage of the aggregate relevant value of all metals recovered from polymetallic nodules. Lassourd noted that because processing does not recover 100% of contained metals, royalty calculations must account for estimated metal recovery rates during processing. However, once a commercial industry develops and a market for nodules emerges, the royalty system and model assumptions can be revised based on real production and price data.

The equalization measure to be applied by the Authority is designed to ensure that contractors contribute a consistent minimum level of revenue to the Authority, regardless of differences in taxation by sponsoring states. Under this, Lassourd explained, contractors must pay the Authority a share of profits, calculated after accounting for revenues and costs incurred during exploration,

development, and production. He highlighted, however, that contractors may deduct certain payments already made to their sponsoring state. He presented the following scenarios:

- If a contractor pays little or no tax to its sponsoring state, the equalization measure ensures that a larger share of the profit is paid to the Authority.
- If a contractor already pays significant taxes to its sponsoring state, the amount payable to the Authority is reduced.

Lassourd also highlighted risks related to profit shifting, particularly under “capital-light” operational models where contractors rely heavily on subcontractors. He underscored that the equalization measure mitigates these risks.

In his presentation, Lassourd also examined **regulation 63** on financial incentives, including possible reductions in payments or subsidies for contractors. Based on examples from land-based mining, he noted that incentives, among others: encourage exploration in remote areas; support operations during price downturns; and promote local processing and technology transfer.

In the ensuing discussion, delegations raised concerns about the reliability and representativeness of the assumptions used in the model. One delegation questioned reliance on an optimistic scenario designed for investors. Another questioned the lack of empirical evidence that undermines the projected profits. An observer cautioned against considering industry-driven data that are overly optimistic and best-case scenarios rather than realistic market conditions. They drew attention to a new [report](#) in which 82 financial institutions managing approximately EUR 24 trillion in assets have expressed reservations on investments in deep-sea mining with many supporting a moratorium. Lassourd noted that while imperfect, the financial model is useful for decision-making, for exploring potential outcomes, and allowing revision of fiscal arrangements when data becomes available.

Delegations further sought clarification on the fairness and distribution of financial benefits, seeing that the equalization measure is aimed at fair benefit-sharing from seabed mining activities while preventing tax avoidance or profit shifting between jurisdictions. Some stressed that environmental considerations should play a strong role in the fiscal design, noting that environmental impacts are not sufficiently reflected in the model. Some argued that environmental externalities should not be calculated on profitability of mining but rather on the potential damage to marine ecosystems.

Several delegations expressed concerns about the appropriateness of incentives for deep-sea mining, noting that they could become subsidies for external contractors, potentially undermining national mining industries. One observer group argued that subsidies for seabed mining would contradict the principle of protecting the common heritage of humankind.

Transfer Profit Share: On Wednesday, 11 March, Thomas Lassourd presented additional considerations regarding a potential profit share on transfers of rights under deep-sea mining contracts. He explained that this is common practice in land-based mining sectors when there is a transfer of ownership of mining assets, where governments typically collect capital gains tax. He added that many jurisdictions also tax offshore indirect transfers of mining assets, where such transfers occur across borders.

Lassourd then outlined some elements that could inform the design of a profit share on the transfer of rights, similar to the taxation of offshore indirect transfers in land-based mining, highlighting:

- the legal basis for collecting a profit share from the sale or transfer of rights;
- the sourcing rule, defining what falls within the scope of the profit share, for instance, whether it covers both exploration and exploitation contracts;
- the minimum percentage of shares transferred that would trigger a profit-sharing obligation;
- the profit share rate, specifying the percentage of gains from the transfer of rights that would be payable to the ISA;
- the base for calculating the profit share, which allows investors to deduct the net cost of their investment from the sale value so that the mechanism applies only to the net gain realized;
- clear liability rules, identifying which entity is responsible for paying the profit share, especially where the seller is outside the ISA’s jurisdiction; and
- enforcement mechanisms to ensure effective collection, which could include withholding mechanisms, transparency and documentation requirements.

In the ensuing discussion, one member noted that the draft regulations contain language on transfer profit share in **regulation 23** (transfer of rights and obligations under an exploitation contract) and drew the Council’s attention to a proposal to move this language to a new **regulation 65**.

Many members supported including language on transfer profit share in the draft regulations and some expressed flexibility as to whether to retain the language in **regulation 23** or move it to **regulation 65**. Members highlighted that transfer of rights under an exploitation contract can result in significant gains and that since the Area is the common heritage of mankind, the ISA should benefit from such gains.

One member raised concerns about potential double taxation where contractors are also taxed by their sponsoring states and Lassourd clarified that in land-based mining, states often address such situations through double taxation agreements, which allocate taxing rights between jurisdictions. Acknowledging that the ISA cannot conclude such agreements, he noted that sponsoring states could provide relief by allowing contractors to deduct payments made to the ISA from taxes owed domestically.

Another member suggested including in the schedule, a definition of “transfer of rights” for the purposes of calculating the profit share.

Concluding, President Joshi noted broad consensus among members on the inclusion of a mechanism addressing profit share on the transfer of rights.

Financial Incentives: On Wednesday, 11 March, President Joshi invited views from Council members on **regulation 63** (financial incentives), noting persisting divergent views in the draft regulation.

Several delegations underscored that the language on incentives should remain consistent with UNCLOS Article 13(1) of Annex III, which allows incentives mainly to promote joint arrangements with the Enterprise, technology transfer, and training for developing countries. There was no consensus on the scope of financial incentives, with one member questioning whether the regulation should be retained if it merely repeats UNCLOS provisions. One participant emphasized that incentives are necessary to operationalize joint ventures and technology transfer, which are central to its pathway toward independent operations.

A Council member raised concerns regarding the definition of financial grants and suggested deleting language that could imply direct financial resources to contractors. Several members supported retaining language requiring incentives to be fully compatible with

ISA policies and principles. There was broad support for retaining the paragraph on establishing a financial incentives registry.

President Joshi recommended further intersessional work on the draft resolution.

Environmental Externalities in Royalty System Design: On Wednesday, 11 March, Council members considered **regulations 64 ter** (environmental costs) and **64 quat** (environmental costs royalties), which introduce additional royalties that reflect environmental externalities associated with deep-sea mining including biodiversity loss and impacts on ecosystem services. Many delegates supported integrating environmental costs into the royalty system.

Several delegates noted that even with the lack of adequate scientific evidence on impacts, the value attached to environmental impacts from mining cannot be zero. Others further argued that mining will inevitably affect ecosystem services and biodiversity, and therefore there is a need to attach a figure to compensate for this.

Several others preferred further work on the methods or standards. Some members said the draft regulations are premature due to insufficient data to calculate environmental costs and suggested further research. One member proposed a provision allowing the Authority to establish such royalties in the future as knowledge increases. Several delegations proposed that methodological details be developed in standards and guidelines, while the regulation can establish the principle. One member suggested incorporating the issue into a review mechanism within the regulations.

One observer emphasized the limited knowledge of deep-sea ecosystems but stressed their high ecological value. Another highlighted the need to compensate future generations for biodiversity and ecosystem service losses.

Equalization Measure: This informal working group, held on Wednesday, 11 March, was facilitated by Lavanya Vasan (Australia), who invited views on whether: the issue of the equalization measure can be removed from the list of outstanding issues; the brackets around **regulation 64 bis** can be removed; and the option for a hybrid equalization measure can be deleted from the suspense document.

Most delegates agreed that the issue of the equalization measure is sufficiently advanced to be removed from the list of outstanding issues. One Council member questioned whether an equalization measure is needed and most delegates recalled that this debate was held in 2024 and that there was general agreement on the need for such a measure. Most therefore supported removing the brackets around regulation 64 bis.

Members also discussed whether the equalization measure timeline should be included in the regulation or standards. Some opposed deleting the reference to when payments under the measure should start. Facilitator Vasan explained that liability and payments do not arise at the same time and that the intention with the proposed deletion is to clarify the timing in the standards. Some members preferred to retain a reference in the regulation itself, and various proposals were discussed on how to reflect this. Other members supported moving language on timing to the standards.

Monopolization: On Thursday, 12 March, President Joshi invited views from the Council on whether the exploitation regulations should include language on avoiding monopolization, and whether the relevant language should be placed under **regulation 23** (transfer of rights and obligations) or **regulation 13** (consideration of applications).

Delegates broadly agreed that safeguards against monopolization should be included in the regulations. Several members also supported addressing monopolization both at the plan of work application stage and when assessing transfers of contractual rights.

One member stressed that while addressing monopolization is important, the criteria for determining monopolization and possible termination of contracts must be clearly defined to avoid subjective assessments. Many members underscored the need for clear criteria and objective thresholds for issues such as “significant control” and “market dominance.”

Several members raised concerns about the current definition of monopolization included in the schedule of terms, noting that this definition had not been agreed by all delegations and does not apply consistently across different mineral resources. They reserved their position on the definition. One member called for further work to clarify both the definition and the decision-making authority responsible for determining monopolization.

Several delegations stressed that the rules should consider not only the contractor itself but also parent companies, subsidiaries, and affiliated entities, and that these relationships should therefore be reflected in the regulations.

Other members highlighted the relationship between monopolization and other issues such as effective control and beneficial ownership. One member supported provisions preventing transfers of rights that would result in significant control or monopolization.

Concluding the discussion, President Joshi noted broad support for considering monopolization during the assessment of plans of work, but acknowledged that the definition of monopolization remains unresolved. He also observed that the current definition in the schedule does not reflect consensus among delegations and requires further work. He established a Friends of the President group to focus specifically on the definition and related issues. The group will meet during the intersessional period.

Regulatory, Procedural and Institutional Matters

Inspection, Compliance, and Enforcement Mechanism and Establishment of the Compliance Committee: On Friday, 13 March, Ingrid Vikanes (Norway) facilitated discussions in this informal working group. She noted three interrelated issues to be discussed: **regulation 95 bis** on the compliance committee, a draft Council decision establishing the committee, and the draft rules of procedure and compliance strategy.

On the draft Council decision, members expressed broad support and called for strengthening compliance oversight within the Authority. Many delegations supported establishing the compliance committee through a Council decision, allowing it to be established in a timely manner and enhancing legal certainty and institutional coherence. Many favored adopting the decision prior to or simultaneously with the exploitation regulations, noting the time required to nominate members and operationalize the committee.

Some also supported a suggestion to introduce the committee in two stages. The first stage would be for oversight of activities such as exploration contracts, test mining or pilot activities, and contributing to the development of the compliance strategy and rules of procedure. Second, when exploitation activities begin, the committee would become fully operational, including enforcement-related functions. This approach, they noted, is consistent with the evolutionary approach reflected in section 1, paragraph 5 of the Annex to the 1994 Agreement.

On the scope, Council members expressed diverging views on whether the compliance committee mandate should be limited to exploitation activities or cover all activities in the Area, including exploration. Many delegations supported a broad mandate covering both exploration and exploitation to ensure consistency and avoid fragmented compliance oversight. Others preferred focusing the mandate primarily on exploitation, underlining that exploration activities are already governed under exploration contract reporting oversight procedures with the LTC monitoring contractual performance for compliance with environmental and other obligations. Some also suggested that the mandate could evolve over time, with the possibility of expanding it to other activities in the Area once the exploitation regime is operational and the Committee's role is clear.

On the placement of powers and functions, the Council debated where the powers and functions of the committee should be defined. Some supported placing the main mandates in the Council decision, with operational details elaborated in the regulations and rules of procedure. Others argued that core powers and functions should be contained in the regulations to ensure clarity and legal certainty.

On inspection competence and the interface between the LTC and the compliance committee, avoiding overlap between mandates was a major concern for delegations. Many called for a clear delineation of responsibilities. Some preferred that the committee take on a more operational role in overseeing inspections and assessing the findings in order to recommend enforcement measures. Others favored limiting the committee to the review of compliance findings and advising the Council on appropriate actions, leaving operational inspection-related aspects to the LTC, and thus avoiding overlapping mandates.

On emergency orders, some delegations supported allowing the committee to take provisional and urgent action in emergency situations to ensure rapid response to prevent serious environmental harm. Some objected, citing UNCLOS Article 162(2)(w), which establishes the Council as the authority responsible for emergency measures, and Article 165(2)(k) instructing the LTC to make recommendations to the Council on measures to undertake in emergency situations.

On chief inspector accountability, many delegations highlighted the importance of clarifying whether the chief inspector would report to the compliance committee or the LTC. Several supported reporting directly to the committee to ensure a clear chain of command for compliance oversight. Others noted that the reporting relationship should preserve the supervisory role of the LTC and remain consistent with UNCLOS Article 165(2)(c) on the functions of the LTC.

Chief Inspector, Inspectors and Inspections: On Friday, 13 March, Council discussions on **regulations 96** (inspection/compliance mechanism), **96 bis** (inspections) and **96 ter** (request for inspection in the event of harmful effects to the marine environment), were facilitated by ISA Vice-President Catherine Flumiani (Italy) and Council President Joshi.

On **regulation 96**, regarding the appropriate authority to appoint the chief inspector, several delegations supported appointment by the compliance committee to ensure independence, while others preferred appointment by the Council, with some proposing that the committee may recommend a candidate to the Council.

On how to address references to the compliance strategy and roster of inspectors, delegates noted that these concepts are still under development in the draft rules of procedure and compliance

strategy. Many supported retaining reference in the text to an inspectors' code of conduct to be based on, among others, "independence, integrity, transparency, and proportionality" as key principles.

Delegates also exchanged views on the appropriate authority responsible for appointing the chief inspector. Several members supported appointment by the Council based on the recommendation of the compliance committee, emphasizing this would ensure the independence of the position. One member noted that to avoid conflicts of interest, the compliance committee should report directly to the Council. Most members opposed reference to the Secretary-General appointing the chief inspector.

One member suggested that inspectors should be accountable to the compliance committee and called for greater clarity in the regulations regarding how this relationship would operate in practice, such as specifying whether inspectors would be considered part of the Secretariat and establishing clear rules to address conflicts of interest.

Summarizing the discussions, President Joshi observed that members held differing views on who should appoint the chief inspector but noted broad support for removing the Secretary-General as an option.

On **regulation 96 bis**, President Joshi invited views on, among other issues, whether the regulations should explicitly allow unannounced inspections. Delegations expressed a range of views. One member preferred deleting references to "announced" and "unannounced" inspections, preferring instead to specify that inspections could take place onsite, remotely, or through a combination of both, with most inspections announced and unannounced inspections used only in exceptional circumstances.

Several delegations supported retaining explicit reference to the permissibility of unannounced inspections. One stressed that the Authority must retain the ability to inspect equipment or operations compliance without allowing operators time to prepare or conceal non-compliance.

Other delegations raised concerns about practical implementation. One questioned how the modalities for unannounced inspections would operate in practice, while another noted the need for a clear understanding of the scope and nature of inspections before further drafting. They also questioned the feasibility of unannounced onsite inspections in the Area, suggesting that if such inspections are permitted, they should be tightly constrained given the potential costs and operational risks.

On the question of participation in inspections, delegations commented on language addressing whether states or other actors may be present during inspections. Several delegates supported deleting the reference, emphasizing that inspectors must be able to conduct inspections independently, without involvement from sponsoring states or other state parties. Others supported allowing sponsoring states to be present, with one proposing deleting references to other state parties, noting the difficulty of determining the conditions under which the latter might participate.

Delegates also discussed **regulation 96 ter**, including a proposal to simplify the title to "request for inspection." Regarding the appropriate authority to examine the grounds for an inspection request and make relevant recommendations to the Council, one member proposed retaining reference to the compliance committee and deleting reference to the chief inspector, while another delegate preferred keeping both references to the chief inspector and

compliance committee until the chief inspector's powers are more clearly defined.

Resources Covered by the Regulations: On Friday, 19 March, Council President Joshi invited views on what resources should be covered in the regulations, to be set out in the preamble.

Some delegates argued that the regulations should apply only to polymetallic nodules, noting that UNCLOS gives priority to these resources. They emphasized that different resource types would require distinct regulatory approaches that were not fully considered in the current negotiations. One member stressed the importance of excluding resources that were not expressly addressed and noted that the exploration regulations were developed in this manner, with different regulations for different categories of resources.

Other members preferred either retaining a general reference to "resources" or "mineral resources" without identifying specific resources. They acknowledged that some differentiation in treatment might be required but stressed that these should be addressed using resource-specific standards and guidelines. In this context, several supported focusing on the standards and guidelines applicable to polymetallic nodules, in line with the prioritization called for by UNCLOS. One delegation emphasized that the regulations should serve as a basic legal framework that is simple and flexible enough to accommodate future developments and discoveries.

One member suggested that the preamble could refer simply to "resources," without specifying "mineral," to avoid ambiguity. They proposed explicitly linking this term to the definition in the annex, reflecting Article 133(b) of UNCLOS, which states that "resources, when recovered from the Area, are referred to as "minerals." A member opposed this framing, noting the ISA's mandate relates specifically to mineral resources and that this should be clearly reflected in the regulations, noting that other resources, such as marine genetic resources, fall outside the ISA's mandate.

One member offered to map out how further work on this issue could be taken forward. Some members also provided general comments on the preamble. Several members questioned why "serious harm" remains in the text, proposed deleting it, and removing the brackets around "harmful effects." Several members emphasized that the preamble should clearly reaffirm the common heritage of humankind principle.

Treatment of the Enterprise: On Wednesday, 18 March, delegates considered a joint paper by the UK and the Interim Director-General on the Treatment of the Enterprise. The UK noted the paper aims to analyze the strengths and weaknesses of two definitions of the contractor and provide categories for exemption.

Eden Charles, Interim Director of the Enterprise, presented the joint paper noting the following instances in the regulations where differential treatment for the Enterprise is required or may be appropriate. Charles outlined regulations that address:

- the corporate structure and control of contractors;
- the sponsoring state of contractors, as they are exempted from this under UNCLOS;
- contractors participating in a joint venture with the Enterprise, as the Enterprise cannot participate in a joint venture with itself;
- requirements on contractors to provide training and transfer of technology, where it is intended that the Enterprise would be a recipient rather than a provider of training and transfer of technology;
- possible proceedings against contractors in national courts, if this is not intended in the case of the Enterprise, or at least not

intended to the same extent as for other contractors, given the privileges and immunities accorded to the Enterprise; and

- royalty payments, where the Enterprise is to be excluded from the obligation to make royalty payments initially until it is self-supporting.

He presented two alternative definitions of the contractor: the first option where the term "contractor" includes the Enterprise except where expressly excluded in the regulations; and a second where the term includes the Enterprise except where excluded in light of the context and in accordance with the provisions and the spirit of the Convention and the 1994 Agreement.

Several delegates supported the first option, emphasizing its clarity, specificity, and ease of interpretation, alongside support for maintaining the independence of the Enterprise. One delegation underscored the importance of legal certainty and consistency, while noting that its application should remain flexible and aligned with UNCLOS.

Parent Company Liability: On Wednesday, 18 March, Oliver Whitehead (the Netherlands) introduced the Netherlands [non-paper](#) on the concept of "parent company liability statements" as a mechanism to close potential liability gaps in deep-sea mining operations. The non-paper proposes that parent companies of contractors formally accept joint and several liability for damage caused by their subsidiaries, ensuring that financial responsibility does not rest solely on undercapitalized contractor entities.

Delegates discussed the relevant regulations, including **regulations 23** (transfer of rights and obligations under an exploitation contract) and **24** (change of control), Annex XI (template for parent company liability statement), and the Schedule defining the notion.

Delegations broadly supported efforts to address potential liability gaps arising from complex corporate structures, noting that parent company liability statements would ensure financially capable parent entities assume responsibility, including in cases of transfer, insolvency, or environmental harm.

Many supported including the concept emphasizing, among others, the need to strengthen the mechanism by making parent company liability statements a precondition for approval, ensuring demonstrated financial capacity, maintaining continuous liability coverage during changes of control, and enhancing enforceability through clearer definitions and contractual provisions.

Concerns were raised by one member regarding legal feasibility, consistency with existing international company law, and potential unintended consequences. They questioned how the mechanism would apply to state-owned entities, joint ventures, and the Enterprise, and cautioned that stringent requirements could deter participation, particularly from developing states, or create unequal treatment between contractors.

Another delegate raised concerns about the practical application and scope of parent company liability, including how it would function where contractors do not have a parent company, such as state-owned entities. They also questioned the potential exclusion of capable applicants if parent companies refuse to provide such statements, and called for greater clarity on the scope of liability, its relationship to indemnity, and alignment with existing legal concepts such as effective control.

An observer raised questions regarding the enforceability of parent company liability statements across jurisdictions, including whether arbitration clauses should be included and how such obligations would be recognized and enforced by different national

courts. Another highlighted concerns about situations where contractors become insolvent and where assets are shielded in corporate structures and questioned whether statements should function as a prerequisite for contract approval and extend beyond indemnification to cover third-party claims.

One observer expressed concerns about legal complexity and alignment with UNCLOS and cautioned against complications where parent companies are based in non-ISA member states.

Discussions will continue during the intersessional period.

Confidential Information and Procedures to Ensure Confidentiality

Confidentiality: The Council discussed this issue on Thursday, 19 March, focusing on three main areas: confidentiality of information; procedures to ensure confidentiality; and data and information to be submitted upon expiration or termination of an exploitation contract.

On confidentiality of information (**regulation 89**), delegates broadly supported making data related to plans of work and exploitation contracts publicly available, except where confidentiality is properly justified. One delegation proposed moving the definition and scope of confidential information to the schedule.

Some delegates supported limited, time-bound confidentiality of environmental data with oversight by the Commission and reporting to the Council. Many stressed that baseline and monitoring data should remain non-confidential. Several members supported provisions requiring disclosure where necessary for the protection of marine environment and human health and safety.

Some members supported allowing relevant ISA subsidiary organs to access and use confidential information, while one delegation preferred not to specify particular bodies.

Diverging views remained on who should be entitled to challenge confidentiality designations. One member suggested broader inclusion of stakeholders, while another cautioned against extending this right beyond the LTC due to the risk of politicization of issues. One delegate proposed extending the timeframe for challenging designations from 30 to 90 days to ensure meaningful participation.

On procedures to ensure confidentiality (**regulation 90**), one delegate underscored the importance of robust confidentiality safeguards that protect sensitive information while ensuring the Authority can effectively uphold its rules. On the scope of confidentiality obligations, several members emphasized that confidentiality must be applied strictly within the limits set by UNCLOS, underscoring that it should not override the broader principle of transparency.

Support was expressed by several delegates to retain provisions prohibiting Authority staff that access confidential information from sharing industry secrets, and ensuring obligations of non-disclosure continue even after the termination of functions of persons with access.

A group of members presented a proposal to establish a confidential information register, which received broad support as a tool to enhance accountability, transparency, and periodic review of confidentiality designations.

On enforcement and breaches of confidentiality, delegations emphasized the importance of clear procedures, including notification of affected contractors and sponsoring States. One member proposed that breaches be referred to the Council rather than the compliance committee. Another said any agreed approach should also address situations where breaches originate from the oversight bodies themselves.

On data and information to be submitted upon expiration or termination of an exploitation contract (**regulation 91**), delegates

broadly agreed that the Authority is not adequately equipped to receive scientific specimens upon expiration or termination of exploitation contracts. Some delegates recommended transferring biological specimens to scientific institutions with the capacity to curate them. One member said this should also apply to geological material. A Council member noted that the summary report of exploitation activities by contractors should not duplicate the requirements for reporting following closure plans and reports.

Governance Matters

Underwater Cultural Heritage (UCH): Discussions on this issue took place in an informal working group on Thursday, 12 March, facilitated by Clement Yow Mulalap (Federated States of Micronesia). There was general agreement to continue discussions based on **regulation 35** (human remains and UCH), as well as to extend the mandate of the informal working group.

An observer called for using the term “underwater cultural heritage” consistently throughout the regulation. They also supported retaining language requiring contractors to “avoid the unnecessary disturbance of venerated sites” and establishing an advisory group of experts on cultural matters, with Indigenous Peoples serving as experts in such a group. Some members, opposed by others, proposed deleting reference to “venerated sites.”

Several members called for the treatment of UCH to be consistent with UNCLOS, with one underscoring the need to reflect the principle that activities in the Area are to be carried out for the benefit of humankind. They therefore preferred referring to “objects and sites of an archaeological or historical nature.” Other members highlighted the relevance of the 2001 Convention on the Protection of Underwater Cultural Heritage and supported reference to UCH as used in that Convention. Several also supported language on “intangible” UCH.

Members diverged on the need for an advisory group of experts, with some members supporting it while others noted the LTC or compliance committee could play the relevant role. One member, while supporting the establishment of an advisory group, opposed its establishment as an ISA subsidiary body. Another noted more information would be needed about the modalities of such a group, including budgetary implications.

One member observed that the discovery of human remains in a mining area could constitute an event. They noted that contractors would face financial losses if they were required to suspend activities in such circumstances and take measures to avoid disturbing the remains and said the provision that contractors would not be entitled to compensation for such measures is “harsh.”

Rights and Interests of Coastal States: This issue was considered by an informal working group co-facilitated by Jessie Lim (Singapore) and Maria Luis Mendes (Portugal) on Tuesday, 17 March. They addressed the mechanisms, such as consultations, that will be used to avoid infringing on the rights and interests of coastal states.

Council members focused on **regulation 93 ter** (state and stakeholder consultation), and discussed who should be consulted, and when and how the consultations should take place.

Regarding who should be consulted, delegates discussed options including “relevant coastal states,” “potentially affected coastal states,” “adjacent coastal states,” or “adjacent coastal states that are most affected.” Most expressed preference for “potentially affected coastal states,” noting this, among others:

- ensures coherence with existing drafting language of regulation 4 on rights and legitimate interests of coastal states and duty to notify;
- reflects a precautionary approach, allowing early identification of states whose rights may be affected, even where impacts are uncertain;
- consistency with UNCLOS Article 142 (rights of coastal states), and broader obligations to protect the marine environment (Article 145); and
- reflects terminology already used in UNCLOS and mirrored in the BBNJ Agreement, supporting cross-instrument coherence.

Views on when consultations should take place converged around a combined approach, with consultations beginning early in the application process, potentially prior to submission of a plan of work, and continuing throughout the lifecycle of exploitation contracts. The continuous consultation would be based on, among others, key milestones, operational changes or new information, and environmental impacts.

Regarding who should initiate consultations, views converged on a Secretariat-initiated process with delegates saying it would ensure neutrality, transparency, and maintain formal oversight by the Authority.

Regarding what the consultations should cover, delegates' views converged around a targeted approach, focusing on potential impacts on coastal states. Many supported ensuring relevant information is provided during in key stages of the mining activities.

Council members also considered where the consultation rules should be placed, with most supporting placing the core obligations within the regulations, complemented by more detailed provisions in standards and/or guidelines.

There was broad support for retaining **regulation 4 bis** (without prejudice), with a preference for aligning its formulation with similar provisions in the BBNJ Agreement to clarify that actions, measures, and decisions taken under the regulations do not affect claims to sovereignty, sovereign rights, or jurisdiction.

Additional Cross-Cutting Issues: Annexes

Annex I (Application for approval of a Plan of Work for Exploitation Contract): Discussions on this annex took place on Tuesday, 17 March, facilitated by Council President Joshi.

On the section on information concerning the applicant, divergent views emerged on the level of applicant disclosure required. Support was expressed for provisions clarifying nationality of applicants, although questions remained regarding the scope of additional information required. Views also diverged on provisions related to national legal frameworks, sponsorship information, and the inclusion of flag and port State details, with some underscoring their relevance for enforcement and compliance.

On technical information, delegates debated whether identifying positions of submarine cables and pipelines was feasible. Some cited practical and technical challenges. Broad support emerged for including information on past performance and compliance records of applicants. Concerns emerged for new entrants, particularly the Enterprise, where recognition of venture partner track record may apply.

On financial information, delegates discussed the framing of financial capability requirements. Clarifications were suggested regarding the role of the Director-General of the Enterprise. There was general support for retaining provisions on borrowing and debt ratios.

Annex II (Mining Workplan): Discussions on this annex took place on Tuesday, 17 March, facilitated by Council President Joshi.

On the issue of continued exploration, delegates supported including information on post-approval exploration activities, including methods and equipment used. Concerns also arose on the use of terminology, specifically “map” versus “chart” in reference to the delineation of the Area. Delegations noted that the term “chart” is consistent with UNCLOS provisions and is more commonly applied for maritime references. There was also a suggestion to include georeferenced files in addition to coordinates when describing the Area.

On the provision on equipment, technology and test mining, many supported retaining references to test and pilot mining results and future activities, stressing their importance for assessing operational readiness and environmental performance. Others reserved their position pending outcomes of negotiations on test and pilot mining. There was also support for including information on energy supply.

On subcontractors and vessels, delegates discussed the level of detail required regarding subcontractors, suppliers, and vessel flag States. Some supported moving vessel-related information to a separate provision and emphasized its relevance for inspection, compliance, and enforcement. Others expressed reservations, noting practical challenges and ongoing negotiations in other draft regulations.

Annex III (Financing Plan): On Wednesday, 18 March, discussions on this annex focused on the scope, level of detail, and alignment with other regulatory provisions.

On additional disclosure requirements, some delegates suggested retaining details on loans and institutions making loans, and details of any insolvency proceedings, unspent conventions for any financial crime or offense involving dishonesty by key personnel and staff, noting their importance for assessing financial capacity and risk management. One member called for removing references to specific standards such as the Equator Principles and considered integrity-related disclosures better addressed elsewhere in the plan of work.

Regarding terminology, several members preferred using “exploitation” rather than “mining” activities. Some also emphasized the importance of including debt-to-equity ratios to strengthen financial oversight.

Schedule

Definition of “Incident” and “Notifiable Event”: The schedule to the draft exploitation regulations defines the terms used throughout the regulations. On Wednesday, 18 March, the Council considered the definitions of “incident” and “notifiable event,” which underpin draft regulations 33 (preventing and responding to incidents) and 34 (notification of incidents and notifiable events).

Delegates underscored that these definitions are central to determining thresholds for notification, response obligations, and the overall functioning of the regulatory framework, and therefore require further refinement.

There was broad agreement that the two categories should remain distinct, with one calling for alignment with the regulations on environmental management and monitoring. One delegate said discussions on thresholds can draw from UNCLOS provisions such as Article 195, which requires states to take all necessary measures to prevent, reduce and control pollution in the marine environment. They also cited Article 199 requiring development of contingency

plans in response to pollution incidents, and a tiered approach to environmental risk management. An observer noted that clearer differentiation will avoid disproportionate regulatory responses.

Several members supported clarifying when a notifiable event should be treated as an incident, and a member said phrases such as “likely to cause” and “significant consequences” are vague and undeterminable, urging greater precision through standards and guidelines.

One delegate proposed that incidents should be understood as urgent events requiring immediate response. They noted that the current formulation relies heavily on the International Maritime Organization definition of a marine incident without appropriate adaptation to the ISA context. The delegate also cautioned that the current incorporation of notifiable events within the context of incident undermines the tiered reporting system.

Some members referred to “notifiable events” as lower-priority occurrences that require subsequent follow-up or monitoring, but no particular urgency. One member proposed expanding the list of notifiable events to include contact with underwater obstacles, reefs, rocks or wrecks that may result in considerable damage.

Council President Joshi proposed that discussions on the schedule and related regulations take place through an intersessional ad hoc working group with a view to refining the definitions and improving clarity, and consistency.

Standards and Guidelines

Development of Standards and Guidelines: Once completed, the exploitation regulations will be supported by a framework of standards and guidelines that ensure effective implementation. While standards will be legally binding on both contractors and the ISA, guidelines will be non-binding and recommendatory. These will be developed primarily by the LTC with the Secretariat’s support, and the LTC has recommended that the standards and guidelines should be put in place in phases as follows:

- Phase 1 standards and guidelines deemed necessary to be in place by the time of adoption of the exploitation regulations;
- Phase 2 standards and guidelines deemed necessary to be in place before the receipt of an application of a plan of work for exploitation; and
- Phase 3 standards and guidelines deemed necessary to be in place before commercial mining activities commence in the Area.

On Thursday, 19 March, the discussion of this matter was facilitated by Council President Joshi. Recognizing the critical role of standards and guidelines, delegates noted that many detailed, resource-specific provisions have been deferred to these instruments. Several members highlighted that while numerous standards are referenced in the draft regulations, only a few have been developed to date. They underscored the need for urgent progress, including a clear roadmap and timeline.

One member proposed that the LTC, with support from the Secretariat, should prepare a revised and consolidated list of standards and guidelines in accordance with the three-phased approach and set out a timeline. They suggested that the Council aim to adopt a decision in July to provide clarity and direction, and to ensure that the LTC is adequately empowered and resourced.

Several members supported prioritizing standards over guidelines, although acknowledging that in some cases both may need to be developed in parallel. They also called for a standing

agenda item on standards at each future Council meeting, with regular progress reports from the LTC Chair or other relevant bodies.

There was also discussion about the sequencing of the development of the regulations, and the standards and guidelines. One member suggested “parking” the regulations and focusing instead on developing the standards and guidelines, especially Phase 1 standards, and then returning to the regulations once the standards are finalized. Another member emphasized that standards and guidelines give practical effect to the regulations, and supported developing both in parallel and adopting them simultaneously.

One member proposed decoupling the adoption of Phase 1 standards and guidelines from the adoption of the exploitation regulations, in order to prioritize completion and adoption of the regulations themselves, which they described as the core foundation of the mining code. They clarified that this would not change the fact that exploitation activities should not begin until all necessary rules, regulations, and procedures, including standards, are in place. Instead, they stressed, such decoupling would help accelerate progress on the regulations.

One member suggested that the number of standards and guidelines, particularly those in Phase 1, could be reduced. They supported prioritizing standards over guidelines and emphasized that work on standards and regulations should proceed together in order to ensure a holistic and coherent framework. Another member, however, supported reviewing the list of standards to determine whether items are appropriately categorized within Phase 1, but clarified that the objective should not be to reduce the number of standards, but rather to ensure that their functions align with what is required at each phase. Many delegations indicated readiness to engage in intersessional work on standards and guidelines.

In concluding the discussion, the President noted that further efforts are required to advance the development of standards and guidelines and acknowledged that divergent views remain, including on whether to decouple their adoption from that of the regulations. He suggested, and the Council endorsed, requesting the LTC to: prepare an updated and consolidated list of the standards and guidelines; revise the list of Phase 1 standards and guidelines; identify those that are already developed but may need to be revised; and develop a roadmap for their development. The LTC is expected to report back to the Council before its meeting in July 2026.

Closing Plenary

On Thursday, 19 March, Secretary-General Carvalho expressed sincere appreciation to Jamaica for its hospitality, and to President Joshi and all facilitators and delegates for their active engagement. JAMAICA, as the host country, thanked President Joshi, Secretary-General Carvalho, delegations, and participants for the progress made during the session.

President Joshi thanked all delegates and closed the meeting at 6:47 pm.

A Brief Analysis of the ISA-31 Council

The first part of the 31st annual session of the International Seabed Authority (ISA-31) convened at a pivotal moment. It followed a year of accelerated negotiations that saw the completion of the second reading of the draft exploitation regulations and a period of focused and structured intersessional work that included a series of small, targeted discussions through Friends of the President and informal working groups.

Meeting once again in Kingston, Jamaica, delegates confronted a growing sense that the process is entering its most consequential phase: moving from drafting rules to determining whether they are sufficiently robust to govern activities in the deep sea, one of the least understood and yet most fragile environments on Earth. Delegates entered this session with a clear mandate: to advance the draft exploitation regulations while ensuring that environmental protection, equitable benefit-sharing, and legal certainty remain central pillars.

This brief analysis explores how the intersessional negotiations have shaped progress and examines the evolution of key debates, the challenges, and the choices now facing the Authority as it seeks to ensure that the governance of deep-sea mining proceeds in a manner that is equitable, precautionary, and anchored in the UN Convention on the Law of the Sea (UNCLOS) and its 1994 Implementing Agreement.

Maturity with Time

The first part of ISA-31 marked the culmination of progress from intensive intersessional negotiations following the completion of the second “cover to cover” reading of the consolidated draft exploitation regulations at ISA-30—a significant milestone. Tangible progress was driven by conceptual debates and targeted thematic discussions, a shift introduced by the ISA-30 decision to organize intersessional work around the themes of environmental, financial, regulatory, and governance matters. This approach revealed both the scale and the complexity of the unfinished work, bringing about a new dimension that many considered a maturing of both process and substance, underscoring a more decisive, deliberate, and careful scrutiny of the regulations.

Facilitated through focused group formats, in Friends of the President and informal working groups, this maturity of the negotiations was central to unpacking the daunting list of outstanding issues. These included issues on inspection mechanisms, environmental externalities, underwater cultural heritage, and coastal state rights, among others. By breaking these issues into manageable clusters, delegates attempted to unblock technical matters and advance discussions in a more structured and solution-oriented manner. The annexes and schedules, containing relevant templates, forms and definitions, also received for the first time, long awaited concerted attention.

As the session progressed, several groups reported progress and consensus even as the familiar emphasis on getting things right on the regulations from the onset emerged. Delegations repeatedly articulated that the regulations must: pass the test of legal clarity, leaving no room for ambiguity or misinterpretation; embed environmentally-sound mechanisms grounded in science and the precautionary approach; establish effective compliance and enforcement systems; guarantee fairness and equitable benefit-sharing; and safeguard legitimacy of the Authority and its members in an evolving global governance landscape.

As Long as It Takes: Speed Versus Rigor

As with previous sessions, the ISA-31 Council was not spared pressure from those who want to begin mining the rich resources of the deep sea. At the heart of the discussions lay the persistent question: how much longer to the finish line? For many delegations, the answer remained clear, the Council should take “as long as it takes to get it right!”

Two distinct currents have shaped the debate over the years. On one side are proponents of expediting the regulations in a bid to align to the readiness of mining companies. On the other are those who want to maintain the credibility of the Authority in ensuring due diligence. The latter includes groups advocating a precautionary approach, with many also calling for a deep-sea mining moratorium.

In this context, a seasoned delegate drew parallels between developing the mining code (the exploration and exploitation regulations, as well as the standards and guidelines to support their implementation) and writing a code for a computer operating system: both take time. Rushing risks embedding flaws, which, as with software, result in “bugs,” vulnerabilities, and system failures. In deep-sea mining governance, however, the consequences are far more profound, as irreversible environmental harm cannot simply be patched after deployment. The regulations, proponents argue, must be developed with precision to ensure clarity, credibility, and robustness, no matter how long it takes.

Besides the question of time, ISA-31 also debated the sequence of events regarding the adaptation of the draft exploitation regulations and that of standards and guidelines. Following a recommendation by the Legal and Technical Commission (LTC), the development of standards and guidelines is expected to take a three-phased approach: phase one would cover standards required at the point of adoption of the regulations (such as environmental impact assessments and core environmental frameworks); phase two would include those needed prior to the submission of an application for a plan of work; and phase three would be those necessary before the commencement of commercial exploitation (including operational monitoring, closure plans, and post-closure evaluation).

Council members generally agreed that phase one standards and guidelines should be ready for adoption alongside the regulations. However, delegates differed on how this phased approach should unfold in relation to the finalization of the regulations. Some supported developing phase one standards and guidelines in parallel with the regulations, with one suggesting that the regulations could even be temporarily “parked” to allow progress on the standards. Others, however, preferred to first complete the regulations in order to identify the full suite of standards and guidelines required.

While this divergence had the potential to become a significant point of contention, delegates instead used the opportunity presented by the absence of immediate time pressure to take a more pragmatic approach. The Council agreed to request the LTC to consolidate and revise the list of standards and guidelines, prioritize those required at the time of adopting the regulations, and develop a roadmap for their preparation for consideration at the next Council meeting in July.

Holding the Line: Compliance Pressures

ISA-31 underscored that the debate is no longer only about the robustness of regulations, but increasingly also about whether the Authority can hold the line in the face of actions that test its boundaries. The session confronted a fundamental question, “What happens when regulatory gaps persist, but activities and pressures are already unfolding?”

Tensions resurfaced, rooted in the 2019 legacy of the “two-year rule” invoked by Nauru on behalf of Nauru Ocean Resources Inc. (NORI), a subsidiary of The Metals Company (TMC-USA), to apply for a contract to mine polymetallic nodules in the Clarion-Clipperton Zone, and to be allowed to proceed even if the regulations are not adopted. This issue, which has since evolved into a more immediate and contested disagreement, has led to what ISA members have

referred to as a unilateral pathway that sidesteps the collective decision-making of the Council. This has largely been deemed as setting precedents that undermine the Authority's central role.

These concerns came to the fore during consideration of the report of the LTC, particularly in relation to follow-up on the Council's [decision](#) to request additional information from contractors potentially at risk of non-compliance. A broad group of delegations supported the inquiry, with several singling out NORI and Tonga Offshore Mining Ltd. (TOML) because they are linked to TMC-USA through their parent company, TMC. Those supporting NORI and TOML said the lack of clarity on the criteria and procedure for requesting additional information suggests cherry-picking and victimization.

It was also no surprise that enforcement and compliance mechanisms gained increased focus at the session, as delegates scrutinized the compliance architecture proposed in the exploitation regulations. Discussions on inspection mechanisms, the compliance committee, and enforcement tools reflected a growing recognition that regulations alone are insufficient without credible ways of ensuring they are followed to the letter.

In addition, the session considered Norway's introduction of the notion of "parent company liability," which highlighted efforts to anticipate and close accountability gaps arising from complex corporate structures. By extending liability to financially capable parent entities, this proposal sought to ensure that responsibility cannot be avoided by contractors that claim insolvency after reaping benefits from activities.

Where Do We Go from Here?

The first part of ISA-31 left a number of critical issues unresolved, which will be carried forward to the intersessional period and then to Part II in July. While significant progress was made in addressing issues in the indicative list of outstanding issues, work remains incomplete, particularly in relation to the annexes and the schedule. These components, which contain key operational details such as financing plans, reporting templates, standard contractual clauses, and core definitions, have yet to be discussed. Equally significant is the continued development of the standards and guidelines that will underpin the regulatory framework.

Given the significant amount of work that remains, a few members have called for a third part of the annual session, saying intersessional work, though useful, is no longer adequate. This call was not immediately supported, but perhaps the progress made during the intersessional period and at the July meeting will determine if members agree that an additional meeting in 2026 is necessary.

Upcoming Meetings

BBNJ PrepCom III: The third substantive meeting of the Preparatory Commission (PrepCom III) for the Entry into Force of the BBNJ Agreement and the Convening of the First Meeting of the COP to the Agreement will continue work on the cluster of issues agreed by the organizational session and discussed at PrepCom I and PrepCom II. **dates:** 23 March–2 April 2026 **location:** UN Headquarters, New York **www:** un.org/bbnjagreement/en

Informal Consultations of States Parties to the UN Fish Stocks Agreement: The 19th round of informal consultations will focus on "The implications of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond

National Jurisdiction for sustainable fisheries and the role of regional fisheries management organizations and arrangements in this respect." **dates:** 20-22 May 2026 **location:** UN Headquarters, New York **www:** un.org/oceancapacity/content/unfsa-informal-consultations-states-parties

36th Meeting of States Parties to the 1982 United Nations Convention on the Law of the Sea: Among other matters, delegates will receive information provided by the Secretary-General of the International Seabed Authority and the Chairman of the Commission on the Limits of the Continental Shelf on the activities of these bodies. **dates:** 15-19 June 2026 **location:** UN Headquarters, New York **www:** un.org/depts/los/meeting_states_parties/meeting_states_parties.htm

Our Ocean Conference 2026: The 11th Our Ocean Conference will focus on the theme, "Our Ocean, Our Heritage, Our Future," to celebrate the living connection between people and the ocean. The Conference aims to foster collaborative efforts and encourage the submission of clear and measurable voluntary commitments to protect and sustainably manage the world's seas and oceans and their resources. **dates:** 16–18 June 2026 **location:** Mombassa, Kenya **www:** ouroceanconference.org

UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea: The 26th meeting of the Consultative Process will address marine ecosystem restoration. **dates:** 22-26 June 2026 **location:** UN Headquarters, New York **www:** un.org/depts/los/consultative_process/consultative_process.htm

31st Session of the ISA Assembly and Council (Part II): The 31st Session of the ISA Assembly and Council (Part II) will include the meetings of the LTC, the Finance Committee, the ISA Council, and the ISA Assembly. The ISA Council will meet from 13-24 July 2026, and the Assembly will convene from 27-31 July 2026. **dates:** 13-31 July 2026 **location:** Kingston, Jamaica **www:** isa.org.jm/sessions/31st-session-2026

For additional upcoming meetings, see sdg.iisd.org

Glossary

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|----------------|---|
| 1994 Agreement | 1994 Implementing Agreement Relating to the Implementation of UNCLOS Part XI (the Area) |
| Area | Seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction |
| BBNJ Agreement | Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction |
| DSCC | Deep Sea Conservation Coalition |
| EIA | Environmental impact assessment |
| EMMP | Environmental management and monitoring plan |
| EPC | Economic Planning Commission |
| GRULAC | Latin American and Caribbean Group |
| ISA | International Seabed Authority |
| LTC | Legal and Technical Commission |
| REMPs | Regional environmental management plans |
| TMC | The Metals Company |
| UCH | Underwater cultural heritage |
| UNCLOS | UN Convention on the Law of the Sea |