



International Seabed Authority
26th Session
2020

Information note on matters for consideration before the Council of the International Seabed Authority during the first part of the twenty-sixth session of the Authority

Kingston, Jamaica

Introduction

1. The purpose of this note is to inform members and observers of the International Seabed Authority of the work of the Council of the Authority at its forthcoming session, which is scheduled to be held for its first part from 17 February to 21 February 2020 (the “February session of the Council”). The second part of the session of the Council is scheduled to be held from 20 to 24 July 2020, following the meetings of the Legal and Technical Commission (6-17 July 2020) and preceding the meetings of the Assembly (27-31 July 2020).

2. During the first part, the Council will hold ten meetings from 17 to 21 February 2020 immediately following the two-day meetings of the open-ended working group of the Council on financial aspects of a contract, which will be held from 13-14 February 2020 to and just prior to the two-week meetings of the Legal and Technical Commission (24 February-6 March 2020).

3. This note briefly introduces the items of the provisional agenda ([ISBA/26/C/L.1](#)) for consideration by the Council at its February session only. The provisional agenda for the Council and the indicative programme of work have been placed on the Authority’s website.

4. Reference is also made to the terms of reference for the voluntary trust fund to support the participation of members of the Council from developing States in meetings of the Council, as contained in the annex to the decision ISBA/24/A/11.

Adoption of the agenda

5. The opening of the session will take place on Monday, 17 February 2020. The first decision of the Council will be the adoption of its agenda for the two parts of its 2020 session. For the first part of the session, the items listed on the provisional agenda of the Council will be considered by the Council as indicated on the indicative programme of work.

Elections of the bureau

6. Once the agenda is adopted, the Council will proceed with the election of the bureau. Pursuant to rule 22 of the Rules of Procedure of the Council, each year at its first regular session, the Council elects a President and four Vice-Presidents from among its members, so that each regional group is represented by one officer. Members of the Council of the Authority are reminded that for the twenty-sixth session, it is the turn of the Group of Asia-Pacific States to nominate a candidate for the presidency of the Council in 2020. In this regard, it would assist the Secretariat and facilitate the smooth running of

the session, if regional groups could coordinate on the candidate nominations for these positions in advance of the opening of the session of the Council, and to provide this information to the secretary of the Council, Gwenaëlle Le Gurun at glegurun@isa.org.jm at the earliest available opportunity. Furthermore, it will be the turn of the Asia-Pacific Group to relinquish one seat on the Council at the twenty-sixth session by designating a member of the group which will participate in the deliberations of the Council without the right to vote during 2020.

Credentials

7. Among the standing item on the agenda of the Council is the report on credentials of members of the Council. According to the Rules of Procedure of the Council, each member of the Council is represented at the meetings of the Council by an accredited representative, who may be accompanied by alternate representatives and advisers. Credentials of representatives and the names of alternate representatives and advisers of members of the Council must be submitted to the Secretary-General if possible not later than twenty-four hours after their taking of seats on the Council. The credentials are issued either by the Head of State or Government, by the Minister for Foreign Affairs or a person authorized by him or her or, in the case of entities referred to in article 305, paragraph 1 (f), of the Convention, by another competent authority.

8. Furthermore, any member of the Authority not represented on the Council, attending a meeting of the Council, must submit credentials for the representative appointed by it to the Secretary-General not less than twenty-four hours before the meetings attended by the accredited representative. The credentials of representatives of members of the Council as well as those of members of the Authority not represented on the Council will be examined by the Secretary-General, who will submit a report to the Council for approval during the first part of the session of the Council.

9. Observers referred to in rule 82 of the Rules of Procedure of the Assembly may designate representatives to participate, without the right to vote, in the deliberations of the Council, upon the invitation of the Council, on questions affecting them or within the scope of their activities.

10. Members of the Council and any member of the Authority not represented on the Council are cordially invited to submit credentials for their representatives. In that regard, there are two options:

(a) either delegations present credentials for attendance at the February session of the Council only and will further submit credentials for the second part of the session of the Council and for the session of the Assembly in July 2020; or

(b) delegations may opt for the submission of credentials for the entire twenty-sixth session of the Authority.

11. Observers referred to in paragraph 1(d) and (e) of rule 82 of the Rules of Procedure of the Assembly are also cordially invited to submit their letters of accreditation at the earliest possible opportunity prior to the meetings of the February session of the Council only or for the entire twenty-sixth session of the Authority.

12. Credentials and letters of accreditation can be emailed to the office manager, Christine Griffiths at cgriffiths@isa.org.jm and the original presented to the Protocol office upon arrival at the headquarters of the Authority.

Issues relating to the election in 2021 of members of the Legal and Technical Commission

13. At its July 2019 meetings, the Council considered the two submissions on elections of members of the Legal and Technical Commission (ISBA/25/C/L.2 and ISBA/25/C/22) but did not reach a consensus on them in spite of the decision of the Council of 2016 contained in ISBA/22/C/29 relating to the process to govern the next election of members to the Commission. Consequently, the Council decided to defer the consideration of the submissions to its next meeting in 2020, and address this issue as a matter of priority. Members of the Council will recall that the next election of the membership of the Commission is due in 2021.

Status of Contracts for exploration and related matters, including information on the periodic review of the implementation of approved plans of work for exploration

14. A regular item on the agenda of the Council is the review of the status of contracts for exploration and related matters, including information on the periodic review of the implementation of approved plans of work for exploration. Members of the Council will be provided with a report for consideration of this item.

Reports of the Secretary-General on the implementation of the decision of the Council adopted in 2019 relating to the reports of the Chair of the Legal and Technical Commission

15. Upon request from the Council in July 2019 and as a standing item on the Council's agenda, the Secretary-General will report to the Council on the implementation of the Council's decision relating to the reports of the Chair of the Legal and Technical Commission (ISBA/25/C/36, OP. 26). At the February meeting, the report to the Council will provide an update on progress made in addressing several points raised by the Council, mostly in relation to: the draft regulations on exploitation of mineral resources in the Area; contractors; regional environmental management plans; and the status of the voluntary trust fund for defraying the costs of participation for members of the Legal and Technical Commission and for members of the Finance Committee. Consideration of this item will continue in July with supplementary reports.

Draft Regulations on exploitation of mineral resources in the Area

16. Last year, the Council commenced, in an informal setting, its consideration as a matter of priority of the draft exploitation regulations prepared by the Commission ([ISBA/25/C/WP.1](#)) together with a note explaining the changes made to the text as well as areas requiring further consideration (ISBA/25/C/18). General comments were made as well as specific drafting proposals from the preamble to Part III. As to its next steps with respect to the consideration of the draft regulations as reflected in ISBA/25/C/37, the Council decided that additional written comments on the draft regulations, including specific drafting suggestions, may be sent to the secretariat no later than 15 October 2019.

17. Since the last session, the following developments have taken place. In response to the Council's request, the secretariat received 39 submissions from members of the Authority and other stakeholders related to the draft regulations. As requested by the Council, the Secretariat has prepared a compilation of the proposals and observations sent by members of the Council and a compilation of proposals and observations sent by other States members of the Authority, observers and other stakeholders, and has published them on the website of the Authority¹. Additionally, the Secretariat has prepared an

overview of the main thematic issues raised in the written submissions ([ISBA/26/C/2](#)) as well as a conference room paper compiling the specific drafting proposals sent by members of the Council (ISBA/26/C/CRP.1) to advance further consideration of the draft regulations.

18. In respect of the development and negotiation of the financial terms of a contract under article 13, paragraph 1 of Annex III to the United Nations Convention on the Law of the Sea and under section 8 of the Annex to the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea at its twenty-fifth session, the Council welcomed the progress reported on the outcome of the second meeting of the Open-ended Working Group (ISBA25/C/32) and decided that the working group should hold a third meeting to continue its consideration of a new model that would include a progressive ad valorem royalty. The Working Group will be convened on 13-14 February 2020 under the chairmanship of H. E. Mr. Olav Myklebust and is open to all stakeholders. To assist the work of the open-ended working group of the Council, a briefing note from the Chairman, updating the previous note² on the basis of the work of the experts from the Massachusetts Institute of Technology concerning a fourth option related to a variable ad valorem royalty rate along with the provisional agenda and the indicative programme of work for the third meeting will be made available in due course on the website of the Authority.

¹ bit.ly/DraftRegsSubs

² https://ran-s3.s3.amazonaws.com/isa.org.jm/s3fs-public/files/documents/briefing_note_wg_council.pdf