



INFORMAL NOTE ON MATTERS BEFORE THE TWELFTH SESSION OF THE INTERNATIONAL SEABED AUTHORITY

7 – 18 August 2006, Kingston, Jamaica

1. This information note has been prepared to facilitate the work of the Authority at its forthcoming session from 7 to 18 August 2006. The note identifies the matters that are to be considered by the Assembly, Council, Legal and Technical Commission and Finance Committee. The proposed schedule of meetings is also attached with this note.

I. OVERVIEW OF THE SESSION

2. During the twelfth session there will be elections of all the members of the Finance Committee and the Legal and Technical Commission. There will also be an election for one half of the members of the Council. The Authority is also required to consider and adopt a budget and scale of assessments for contributions to the budget for the financial period 2007 to 2008. The Assembly will consider the annual report of the Secretary-General. The main substantive work for the Council is to continue work on the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts. The Finance Committee will consider a detailed proposal on the establishment and use of a special endowment fund from the balance of the registration fees paid by former registered pioneer investors. In light of the limited time available during the session, priority in scheduling meetings will be given to the work of the Assembly and Council. It is the turn of the Asian Group to nominate a candidate for the Presidency of the Assembly. It is the turn of the Eastern European Group to nominate a candidate for the Presidency of the Council.

A. Election of members of the Finance Committee and the Legal and Technical Commission

3. In accordance with the provisions of the 1982 United Nations Convention on the Law of the Sea and relevant decisions of the Authority, the terms of office of all the members of both the Finance Committee and the Legal and Technical Commission will expire on 31 December 2006. Consequently, it will be necessary to hold elections for both these bodies during the twelfth session. The members of the Finance Committee are to be elected by the Assembly. The members of the Legal and Technical Commission are to be elected by the Council. The term of office for members of both bodies is five years.

4. Members of the Authority will recall that, for the last such election, in 2001, the Presidents of the Assembly and Council respectively had requested members of the Authority to submit nominations at least two months in advance of the session in order to allow time for the Secretariat to circulate details of the nominations to all members of the Authority. It is recommended that a similar procedure be adopted for the present election. Accordingly, members of the Authority are requested to submit nominations for members

of the Finance Committee and Legal and Technical Commission by 9 June 2006. Nominations should be submitted through the Secretary-General of the Authority and should be accompanied by detailed curricula vitae. The Secretariat will then arrange for details of the nominations to be circulated to all members of the Authority.

B. Election of members of the Council

5. Members of the Authority will also recall that, in accordance with article 161, paragraph 3, of the Convention, an election took place in 2004 for one half of the thirty-six members of the Council of each of the five categories referred to in paragraph 15 of section 3 of the annex to the 1994 Agreement relating to the Implementation of Part XI.¹ The terms of office of the remaining one half of the members of the Council who were elected in 2002² will expire on 31 December 2006. It is therefore necessary for the Assembly to elect new members of the Council for the period 1 January 2007 to 31 December 2010. Further information about the procedure for election is provided in paragraph 17 below.

6. To facilitate the elections to the various organs of the Authority meetings of regional and interest groups and of the Group of 77 may be scheduled as required throughout the session, with interpretation provided when available.

II. FINANCE COMMITTEE

7. The Finance Committee will review the proposed budget of the Authority for the financial period 2007–2008. The proposed budget and the scale of assessment for contributions to the budget will then be considered sequentially by the Council and the Assembly, taking into account any recommendations by the Finance Committee.

8. Following the recommendation made by the Finance Committee at the eleventh session to the Council and the Assembly relating to the establishment and use of a special endowment fund from the balance of the registration fees paid by former registered pioneer investors, the Secretary-General will make a detailed proposal to the Committee on the establishment and use of the proposed endowment fund in accordance with Financial Regulation 5.6.

9. The Finance Committee will also consider the audit report for 2005.

III. LEGAL AND TECHNICAL COMMISSION

10. The Legal and Technical Commission will review and consider the annual reports of contractors, submitted pursuant to the regulations for prospecting and exploration for polymetallic nodules in the Area.

¹ See ISBA/10/A/12, para. 37.

² See ISBA/8/A/10.

11. Other matters on the agenda for the Commission include a progress report on the project to establish a geological model for the Clarion-Clipperton Fracture Zone and consideration of the outcomes of the Authority's 2006 workshop on cobalt crusts and the diversity and distributions of seamount fauna.

IV. COUNCIL

12. The first item of business for the Council will be the election of a President and vice-Presidents, followed by the adoption of the agenda for the twelfth session. As noted in paragraph 3 above, there will also be an election for the members of the Legal and Technical Commission. In this regard, at the eleventh session, members of the Council noted the need for members of the Commission to have an appropriate mix of relevant skills and qualifications as envisaged by article 165 of the Convention. It should be noted however that experience has shown that the work of the Legal and Technical Commission is more and more scientific and technical and more members having such qualifications would enhance its contributions.

13. The main item of business for the Council will be to continue its consideration of the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts proposed by the Legal and Technical Commission ("the draft regulations").

14. A first reading of the draft regulations was completed during the eleventh session, following which the Secretariat was requested to prepare a revised text of the draft in order to address some of the technical issues that had been raised during the session as well as to correct a number of errors in translation that had been noted by delegations.³ In addition, the Council had requested the Secretary-General, in consultation, as necessary, with the Legal and Technical Commission, to provide it with more detailed analysis and elaboration of certain aspects of the draft regulations. These included:

(a) With respect to prospecting, the Council requested further clarification of the relationship between prospecting and exploration and the justifications for the specific changes proposed by the Commission.

(b) With respect to the size of areas for exploration, the Council requested that further information be provided on the proposed system of allocating exploration blocks and the way in which it might operate in practice as well as on the proposed schedule for relinquishment and its consistency with the provisions of the Convention.

(c) With respect to draft regulations 16 and 19, relating to the proposed system for participation by the Authority, the Council requested a more detailed analysis of how the draft provisions might operate in practice in light of the comments and opinions expressed in the Council.

³ The revised text will be issued as ISBA/10/C/WP.1/Rev.1.

The Council also considered that it would be helpful if it could be provided with a more detailed analysis of the proposed changes to the draft regulations covering the protection of the marine environment and their relationship to the provisions of the Convention and the Agreement. Particular concern was raised over the proposed changes to the language in draft regulations 33, 34, 35 and 36.

15. The technical papers and analyses requested by the Council will be made available by the Secretariat in due course through the Authority's website at <http://www.isa.org.jm>.

V. ASSEMBLY

16. The matters for consideration by the Assembly include the election of the members of the Finance Committee, the election of one half of the members of the Council in accordance with article 161 of the Convention, consideration of the annual report of the Secretary-General and the adoption of the budget of the Authority for the financial period 2007 – 2008 and the scale of assessment for contributions to the budget.

17. With respect to the election of members of the Council, it should be noted that the 1994 Agreement, Annex, section 3, paragraph 9, requires the Assembly, before electing the members of the Council, to establish lists of countries fulfilling the criteria for membership in each of the interest groups. In order to facilitate the work of the Assembly in this regard, the Secretariat has in the past prepared informal papers, on the basis of publicly available data and statistics, setting out indicative lists of member States which would fulfil the criteria for membership in the various interest groups in the Council. Such indicative lists will, once again, be prepared by the Secretariat for the twelfth session.

18. With respect to Group B of the Council, the Assembly is required to elect four States Parties from among the eight States Parties which have made the largest investments in preparation for and in the conduct of activities in the Area. For this purpose, the Assembly will need to ascertain which States Parties are currently the largest investors. The only information with respect to this matter available to the Secretariat at present is that which was provided to it in 1995, prior to the first election of members of the Council. In light of changing circumstances since that time, one delegation had requested that the information be updated. However, on the occasion of the last such election, in 2004, it was noted that there would be a need to develop a common understanding among the potential members of Group B on the criteria to be used in determining the level of preparatory investment relating to activities in the Area. The Assembly was further informed in 2004 that the members of Group B were continuing to consult on criteria for that group.

19. As required by article 166, paragraph 4, of the Convention, the Secretary-General will present his annual report to the Assembly for its consideration. The report will describe the work of the Authority since the eleventh session and will indicate the main trends of the future work programme for the Secretariat.

20. The proposed budget of the Authority for the financial period 2007–2008 and the proposed scale of assessment for contributions to the budget will be considered by the Assembly after the proposals have been considered in sequence by the Finance Committee and the Council. These matters will therefore be taken up in the second week of the session.

21. The Assembly will also consider such other proposals and recommendations that may be referred to it by the other organs and subsidiary bodies of the Authority.

Kingston, Jamaica
5 May 2006