



## INFORMATION NOTE ON MATTERS BEFORE THE TWENTY-FIRST SESSION OF THE INTERNATIONAL SEABED AUTHORITY

6 to 24 July 2015, Kingston, Jamaica

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1. This information note has been prepared to facilitate the work of the Authority at its forthcoming session from 6 – 24 July 2015. In accordance with the revised pattern of meetings agreed by the Assembly at the eighteenth session, the first week of meetings, from 6 to 10 July, will be devoted to meetings of the Legal and Technical Commission and the Finance Committee. This will ensure that all recommendations of these subsidiary bodies are ready for consideration by the Council during the following week. The Assembly will formally convene on for the first time on 14 July 2015, followed by the Council. The Assembly will continue its work when the work of the Council has been completed.

2. Members of the Authority are reminded that it is the turn of the Western European and Others Group (WEOG) to nominate a candidate for the Presidency of the Assembly in 2015. It is the turn of the Asia Pacific Group to nominate a candidate for the Presidency of the Council. Each of the other regional groups will be entitled to nominate a Vice-President of the Assembly and a Vice-President of the Council. There is also a Credentials Committee to be appointed. It will be very helpful to the secretariat, and will also facilitate the smooth running of the session, if regional groups can coordinate on the issue of candidatures in advance of the session in Kingston.

3. This note outlines the main issues for consideration by the Assembly, Council, Legal and Technical Commission and Finance Committee. It is important to note that, as required by the 1982 United Nations Convention on the Law of the Sea and the 1994 Agreement relating to the Implementation of Part XI of the Convention, a number of substantive matters have to be sequentially considered by different organs of the Authority before a final decision on them can be taken. The provisional schedule of meetings for the various organs, which is attached with this note, has been designed with this consideration in mind.

### **I. FINANCE COMMITTEE**

4. The Finance Committee will review the implementation of the budget and the audited financial statements for the financial period 2013-2014 and related matters, including potential cost-saving measures. It will also consider the audit report for 2014.

5. The Committee will also consider the status of the Working Capital Fund, and will be provided with reports on the status of implementation of the International Public Sector Accounting Standards

(IPSAS) and the status of implementation of the decision of the Assembly relating to annual overhead charges under contracts for exploration. The Finance Committee will also review the financial and budgetary implications of the proposed work programme for the development of regulations on exploitation of marine resources in the Area. In addition, in light of the discussions that took place in the Legal and Technical Commission in February 2015, the Finance Committee has been requested to consider the issue of a fee for applications for extension of an approved plan of work for exploration pursuant to section 1, paragraph 9, of the annex to the Agreement relating to the Implementation of Part XI of the Convention and to make an appropriate recommendation to the Council.

## **II. LEGAL AND TECHNICAL COMMISSION**

6. The Legal and Technical Commission was scheduled to meet twice in 2015. The first session was held from 16 to 27 February 2015; the second session will take place during the twenty-first session of the Authority from 13 to 24 July 2015.

7. At its session in February 2015, the Commission adopted its agenda (ISBA/21/LTC/1) and elected its Chairman (Christian Reichert, Germany) and Vice-Chairman (Elva Escobar-Briones, Mexico). The Commission, as a matter of priority, adopted a recommendation to the Council in relation to procedures and criteria for the extension of an approved plan of work for exploration pursuant to section 1, paragraph 9, of the annex to the Agreement relating to the Implementation of Part XI of the Convention. The recommendation of the Commission is contained in ISBA/21/C/3.

8. The Commission also considered and recommended approval of a plan of work for exploration for polymetallic nodules in a reserved area submitted by China Minmetals Corporation. The recommendation of the Commission is contained in ISBA/21/C/2.

9. In addition, the Commission devoted priority time during its February session towards the preparation of the draft regulations for exploitation of polymetallic nodules in the Area. The Commission discussed and agreed a suggested regulatory framework for circulation to all stakeholders, together with a summary of the high level issues under discussion. Additionally, the Commission also agreed to circulate a draft action plan flowing from the draft regulatory framework. The Commission agreed to provide to the Council in July 2015 an updated report including a revised draft framework and revised action plan following the receipt of stakeholder responses to the framework report together with any recommendations as to additional resourcing requirements. The Commission also took note of a discussion paper prepared by the secretariat concerning the development of a payment mechanism for exploitation activities in the Area. The Commission will consider and discuss any stakeholder responses to this discussion paper at its July meeting.

10. In the July session, the Commission will continue its consideration of a recommended template for annual reports of contractors and of recommendations for the guidance of contractors on nodules

resource classification. The Commission is also expected to consider matters that were referred to it by the Council, including the issues related to the sponsorship by States members, with particular attention to the test of effective control, issues related to monopolization of activities in the Area, in particular the concept of abuse of a dominant position, as well as the issues of draft procedures on the handling of confidential data and information by members of the Commission.

11. The Commission will also be considering the status of implementation of training programmes under plans of work for exploration and allocation of training opportunities, as well as the annual reports of contractors. Further, the Commission will be provided with terms of reference for a workshop on the implementation of the environmental management plan for the Clarion-Clipperton Zone and on guidelines for the identification of preservation reference zones and impact reference zones. The Commission will also keep under review the issue of the development of environmental management plans for other regions in which exploration activity is taking place, in particular the Atlantic and Indian Oceans. The Commission will also consider the issue of a data management strategy for the Authority which is a matter of critical importance to the Authority.

### **III. COUNCIL**

12. The Council will commence its business with the adoption of the agenda followed by the election of a President and vice-Presidents. The work programme of the Council for the session will be organized as appropriate. In the event that there are any resignations from the Legal and Technical Commission, the Council will be invited to elect replacement members as soon as the session opens.

13. In accordance with its usual practice, the Council will be provided with a report by the Chairman of the Legal and Technical Commission on the work of the Commission during the session and will take up any matters referred to it by the Commission. This will include consideration of the report and recommendation of the Commission on a new application for approval of a plan of work for exploration for polymetallic nodules in the Area submitted by China Minmetals Corporation as well as discussion of the work on the draft regulations for exploitation of mineral resources in the Area.

14. The Council will consider, with a view to approval, the procedures and criteria for the extension of an approved plan of work for exploration pursuant to section 1, paragraph 9, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, as recommended by the Legal and Technical Commission.

15. As requested by the Council in 2012, the Secretary-General will provide an annual update on the study of the laws, regulations and administrative measures adopted by sponsoring States and other members of the Authority with respect to activities in the Area. Also on the Council's agenda is an item relating to international cooperation wherein the Council is expected to consider with the view to approval arrangements made by the Secretary-General in enhancing the Authority's ability to cooperate and to

undertake consultations with other relevant international organisations on issues within the competence of the Authority.

16. The Council will also take up the issue of the procedures for the election in 2016 of the members of the Legal and Technical Commission in accordance with article 163 of the United Nations Convention on the Law of the Sea.

17. Finally, the Council will consider any other proposals and recommendations made by the Legal and Technical Commission and the Finance Committee, including on matters that were referred to these bodies by the Council for appropriate actions.

#### **IV. ASSEMBLY**

18. The first item of business for the Assembly will be the election of a President and Vice-Presidents, followed by the adoption of the agenda for the nineteenth session. In the event that there are any resignations from the Finance Committee, the Assembly will be invited to elect replacement members as soon as the session opens. The matters for consideration by the Assembly during the twenty-first session include consideration of the annual report of the Secretary-General, pursuant to article 166, paragraph 4, of the Convention, and such other proposals, recommendations or reports that may be referred to it by the other organs and subsidiary bodies of the Authority, including the Finance Committee.

19. In line with the request made by the Secretary-General during the twentieth session, the Assembly will also consider the draft Terms of Reference for the conduct of the periodic review of the international regime of the Area pursuant to article 154, of the United Nations Convention on the Law of the Sea.

1 May 2015  
Kingston, Jamaica

This note together with a provisional schedule of meetings and the official documents referred to herein, will also be made available for download from the Authority's website at <http://www.isa.org.jm>.