



Council

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Summary report of the President of the Council of the International Seabed Authority on the work of the Council during its twenty-second session

1. The twenty-second session of the Council of the International Seabed Authority was held in Kingston from 11 to 22 July 2016.

I. Adoption of the agenda

2. At its 213th meeting, on 12 July, the Council adopted the agenda for its twenty-second session, as contained in document [ISBA/22/C/1](#).

II. Election of the President and Vice-Presidents of the Council

3. At the same meeting, the Council elected Mariusz Orion Jędrysek (Poland) as President of the Council for the twenty-second session. Subsequently, following consultations of the regional groups, the Council elected the representatives of Uganda (African States Group), India (Asia-Pacific States Group), Mexico (Latin American and Caribbean States Group) and France (Western European and Other States Group) as Vice-Presidents.

III. Report of the Secretary-General on the credentials of members of the Council

4. At the 219th meeting, on 18 July, the Secretary-General of the Authority informed the Council that, to date, credentials had been received from 34 members of the Council. It was noted that, in accordance with the system agreed upon for the allocation of seats among the regional groups at the first session of the Council, the Asia-Pacific States Group had designated Bangladesh to participate in the meetings of the Council without the right to vote during the twenty-second session. It would be the turn of the Latin America and Caribbean States Group to relinquish a seat on the Council in 2017.



IV. Election to fill a vacancy on the Legal and Technical Commission

5. At its 213th meeting, on 12 July, the Council elected Nobuyuki Okamoto (Japan) to fill the vacancy on the Legal and Technical Commission left by the resignation of Natsumi Kamiya (Japan), for the remainder of his term until 31 December 2016 ([ISBA/22/C/4](#)).

V. Report on the status of contracts for exploration and related matters and information on the periodic review of the implementation of plans of work for exploration

6. Also at its 213th meeting, on 12 July, the Council took note of the report of the Secretary-General on the status of contracts for exploration in the Area ([ISBA/22/C/5](#)). The Council was informed that, as at 27 April 2016, 24 contracts for exploration had entered into force (15 for polymetallic nodules, five for polymetallic sulphides and four for cobalt-rich ferromanganese crusts), while three further contracts would be signed by the end of 2016, bringing the total to 27 contracts.

7. At its 214th meeting, on 13 July, the Council considered the report of the Secretary-General on the periodic review of the implementation of the plans of work for exploration in the Area ([ISBA/22/C/7](#)). The Secretary-General reported that, in 2016, a periodic review was undertaken with respect to two exploration contracts for polymetallic nodules between the Authority and Nauru Ocean Resources Inc. and the Federal Institute for Geosciences and Natural Resources of Germany, respectively, and one exploration contract for polymetallic sulphides between the Authority and China Ocean Mineral Resources Research and Development Association. One delegation said that the periodic review was a valuable tool for the Authority in monitoring the implementation of the plans of work and the training programmes, as well as in monitoring the development of mining technology. The delegation welcomed the submission of an environmental inception report by Nauru Ocean Resources Inc. relating to a proposed test of a nodule collector.

VI. Report of the Secretary-General on the status of national legislation relating to deep seabed mining and related matters

8. Also at its 214th meeting, on 13 July, the Council considered the report of the Secretary-General on the status of national legislation relating to deep seabed mining and related matters ([ISBA/22/C/8](#)). In 2016, in response to the request of the secretariat of the Authority, Cuba and China submitted their respective national legislation. On 26 February 2016, China adopted the Law of the People's Republic of China on Exploration for and Exploitation of Resources in the Deep Seabed Area. The representative of France informed the Council that the French legislation on deep seabed mining was still under preparation. It would integrate the responsibilities and obligations of sponsoring States as identified in the 2011 advisory opinion. The

delegation of Tonga informed the Council that the country was in the process of completing draft regulations for the implementation of its Seabed Minerals Act 2014. Members who had not submitted their national legislation and related information were urged by the Council to do so at the earliest convenience.

VII. Report of the Finance Committee, budget of the Authority for the financial period 2017-2018 and scale of assessment for contributions to the budget

9. At its 215th meeting, on 14 July, the Council considered the report of the Finance Committee ([ISBA/22/A/7/Rev.1-ISBA/22/C/19/Rev.1](#)), the budget of the Authority for the financial period 2017-2018 and the scale of assessment for contributions to the budget. On the basis of the recommendations of the Finance Committee, the Council adopted a decision relating to the budget of the Authority for the financial period 2017-2018 ([ISBA/22/C/18](#)).

VIII. Report of the Chair of the Legal and Technical Commission on the work of the Commission

10. At its 216th and 217th meetings, on 15 July, the Council considered the summary report of the Chair of the Legal and Technical Commission on the work of the Commission during the twenty-second session ([ISBA/22/C/17](#)). The report covered the activities of the contractors, including the status of contracts for exploration, the implementation of training programmes and the allocation of training opportunities, applications for extensions of approved plans of work for exploration, annual reports of contractors and periodic reviews of the implementation of plans of work for exploration. It also covered the application for approval of a plan of work for exploration, environmental matters, draft regulations for the exploitation of mineral resources in the Area and a technical implementation plan for improved databases and a data management strategy for the Authority. The Chair also reported on matters referred to the Commission by the Council, including issues relating to the handling of confidential data and information, issues relating to the operation of the Enterprise, a stakeholder consultation and engagement strategy and issues relating to the sponsorship of contracts for exploration in the Area, monopolization, effective control and related matters. The Chair concluded his report by reporting on the consideration by the Commission of the interim report of the article 154 review committee.

11. Training opportunities offered by the contractors were commended by some delegations as demonstrating meaningful and practical capacity-building that would benefit developing countries. One delegation welcomed the possibility of 200 training opportunities being offered in the next few years and suggested that early notification about such opportunities would afford member States time to identify eligible candidates. One delegation hoped that the knowledge gained by those trained would be harnessed for future benefit.

12. Addressing the issue of the extension of contracts, one delegation reminded the Council that it was necessary to see the new elements included in the extended plans of work to ensure that contractors would be ready to proceed to exploitation at

the end of the five-year extensions. One delegation urged that the extended plans of work should stress exploitation sampling, with a view to moving to the exploitation phase. One delegation hoped to see more collaboration among contractors for the work on seabed mining in the next five years.

13. In respect of environmental matters, one delegation highlighted the importance of environmental management and protection, including the approaches chosen and methodologies of fauna preservation and taxonomy. One delegation supported the proposal to hold a workshop to review the Clarion-Clipperton Fracture Zone environmental management plan and urged the Authority, in its efforts to collect environmental data, to collaborate more closely with other organizations. On the data management strategy, one delegation welcomed the initiative of improved strategies proposed by a working group and a project to develop and strengthen data management by the Authority. One delegation hoped to see more transparency with regard to information.

14. At its 220th meeting, on 19 July, the Council adopted a decision relating to the summary report of the Chair of the Legal and Technical Commission on its work during the twenty-second session ([ISBA/22/C/28](#)).

IX. Consideration, with a view to approval, of applications for approval of plans of work for exploration in the Area

15. At its 218th meeting, on 18 July, the Council considered the report and recommendations of the Legal and Technical Commission relating to an application for the approval of a plan of work for exploration for cobalt-rich ferromanganese crusts submitted by the Government of the Republic of Korea ([ISBA/22/C/10](#)).

16. Acting on the recommendations of the Commission, the Council approved the application and requested that the Secretary-General issue the plan of work in the form of a contract between the Authority and the Government of the Republic of Korea ([ISBA/22/C/20](#)).

X. Consideration, with a view to approval, of applications for extensions of contracts for exploration

17. Also at its 218th meeting, on 18 July, the Council considered six reports and recommendations of the Legal and Technical Commission relating to six applications for a five-year extension of approved plans of work for exploration for polymetallic nodules. The applications had been submitted by Interoceanmetal Joint Organization ([ISBA/22/C/11](#)), Yuzhmorgeologiya ([ISBA/22/C/12](#)), the Government of the Republic of Korea ([ISBA/22/C/13](#)), China Ocean Mineral Resources Research and Development Association ([ISBA/22/C/14](#)), Deep Ocean Resources Development Co. Ltd. ([ISBA/22/C/15](#)) and the Institut français de recherche pour l'exploitation de la mer ([ISBA/22/C/16](#)).

18. At its 219th meeting, on 18 July, acting on the recommendations of the Commission, the Council approved all six applications for extensions of contracts for exploration. The decisions of the Council with respect to each application are contained in documents [ISBA/22/C/21](#) to [ISBA/22/C/26](#).

XI. Draft regulations for exploitation of mineral resources in the Area

19. At its 218th meeting, on 18 July, further to the general comments on the draft regulations for the exploration of mineral resources in the Area made at the 216th and 217th meetings when initially considering the report of the Chair of the Legal and Technical Commission, the Council considered the updated and indicative work programme as contained in annex II to the report ([ISBA/22/C/17](#)). Some delegations reaffirmed that the Commission must keep the matter as a priority (Australia, Cameroon and the United Kingdom of Great Britain and Northern Ireland). Two delegations emphasized the need to identify a better working methodology, including timelines and stakeholder contribution, to complete the priority matter (Cameroon and United Kingdom). One delegation stated that the draft regulations should be developed in an evolutionary manner as a systematic project involving many complex issues (China). One delegation felt that the views and prior experience in the respective geographic regions of the contractors should be given due consideration and that it would be desirable to strike a balance between the environmental impact and the technology development in the draft regulations (India). One delegation stressed the importance of having the involvement of stakeholders in the development of mining code (Mexico). One delegation emphasized that the focus should be on providing a coherent regulatory framework to make commercial decisions in relation to activities in the Area (Singapore). Two delegations proposed the development of a strategic plan identifying each step and including a target date for the development of exploitation regulations (United Kingdom and the Netherlands).

XII. Election of the members of the Legal and Technical Commission

20. At its 219th, 220th and 221st meetings, held on 18, 19 and 21 July, respectively, and its 222nd and 223rd meetings, held on 22 July, the Council considered the election of members of the Legal and Technical Commission for the period 2017-2021 ([ISBA/22/C/2](#) and [ISBA/22/C/2/Add.1](#)). The discussions focused on the number of members that should serve on the Commission and the geographical distribution of the membership. Some delegations suggested expanding the membership to 30 members in order to accommodate the 30 candidates whose nominations had been received on time. Others preferred to limit the number to 25, while remaining concerned over the issue of the underrepresentation of some regional groups. A third proposal sought to expand the Commission to 36 members to include the 30 nominated candidates, as well as two additional vacancies for each of the three underrepresented regional groups.

21. At its 223rd meeting, on 22 July, the Council adopted a decision relating to the election of members of the Commission ([ISBA/22/C/29](#)).

22. The delegation of Argentina, on behalf of the Latin American and Caribbean States Group, requested that the following statement be included in the summary report of the President:

First, we want to underline that there was no opportunity for dialogue before the presentation of a number of candidates exceeding 25. Moreover, we must

stress that no economy- or efficiency-based reasons were presented for the increase to 30 members, which should have been the case under article 163, paragraph 2 of the Convention. No logical reason was shown according to which the right number would be 30 and not a different number. The only rationale for the decision was to accommodate all the candidates presented. We think, as we have already said many times, that this decision affects the review process currently under way in accordance with article 154 of the Convention. Finally, we consider that the composition arising from the proposed election of the 30 candidates presented will not reflect an equitable geographical distribution in the Legal and Technical Commission, which should have been the case under article 163, paragraph 4, of the Convention.

XIII. Proposal to the Assembly of the Authority of a list of candidates for the position of Secretary-General

23. At its 219th meeting, on 18 July, the Council decided to propose two candidates to the Assembly of the Authority for election as Secretary-General, namely, Michael W. Lodge (United Kingdom) and Nii Allotey Odunton (Ghana) ([ISBA/22/C/27](#)).

XIV. Cooperation with other relevant international organizations

24. At its 214th meeting, on 13 July, the Council took note of the note by the Secretary-General on the Agreement of cooperation between the International Seabed Authority and the International Hydrographic Organization ([ISBA/22/C/6](#)), the annex to which contained the draft agreement. At the same meeting, the Council approved the Agreement.

XV. Issues associated with the conduct of marine scientific research in exploration areas

25. Also at its 214th meeting, on 13 July, the Council considered a report on issues associated with the conduct of marine scientific research in exploration areas ([ISBA/22/C/3](#)). One delegation highlighted the imbalance between the contractors and marine scientific researchers, particularly regarding their obligations in respect of marine environmental protection. One delegation suggested that, taking into consideration the potential conflict between the freedom of marine scientific research and exclusive rights for exploration and exploitation, regulations should be developed to draw a clear line where research interferes with contractors' rights. Some delegations hoped to find pragmatic approaches to solve those issues within the framework of the Authority, and two delegations further proposed that the Legal and Technical Commission could be asked to review the issue and provide recommendations to the Council. One delegation stated that such a situation could be effectively dealt with through communication and coordination in good faith between the parties concerned. One delegation stated that, while the Convention had struck a delicate balance between the freedom of marine scientific research and the activities of contractors in the Area, the principle of the common heritage of mankind should be kept in focus when interpreting the provisions. One delegation

felt that it would be useful for Council members to know what some of those encounters had involved and what practical problems had been faced on the ground thus far, whether by researchers, contractors or other stakeholders. One delegation highlighted the right to conduct marine scientific research in keeping with article 143 of the Convention. Many delegations indicated that it was premature to seek an advisory opinion from the Seabed Disputes Chamber of the International Tribunal of the Law of the Sea on the matter. It was agreed, however, that the issue should be kept on the agenda of the Council for further consideration in due course.

XVI. Dates of the next session of the Council

26. The dates for the twenty-third session of the Council will be announced in due time. It will be the turn of the Latin American and Caribbean States Group to nominate a candidate for the presidency of the Council in 2017.
