



Council

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Agenda item 12

Decision of the Council concerning working methods to advance discussions on the draft regulations for exploitation of mineral resources in the Area

The Council of the International Seabed Authority,

Recognizing the need to advance discussions on the draft regulations for exploitation of mineral resources in the Area,

Conscious of the need to strengthen the working methods to facilitate progress to that end,

1. *Decides* to establish three informal working groups, with the mandate and working modalities set out in the annex to the present decision;
2. *Also decides* to appoint the individuals to be designated by the regional groups in accordance with those modalities as facilitators;
3. *Further decides* that the facilitators shall exercise their functions in accordance with the mandate set out in the annex to the present decision;
4. *Requests* the facilitators to report on the progress in their work during the next meeting of the Council, in July 2020.

*264th meeting
21 February 2020*



Annex

Informal working groups to advance discussions on the draft regulations for exploitation of mineral resources in the Area

I. Mandate and working modalities of the informal working groups

1. Three informal working groups will be established, initially, to advance discussions on the draft regulations for exploitation of mineral resources in the Area, as follows:
 - (a) An informal working group on protection and preservation of the marine environment;
 - (b) An informal working group on inspection, compliance and enforcement;
 - (c) An informal working group on institutional matters (including the role and responsibilities of the various organs of the International Seabed Authority, timelines, recourse to independent expertise, and stakeholder participation).
2. The informal working groups will be open to observers and other stakeholders and shall be held in public unless otherwise decided.
3. All the informal working groups will meet during sessions of the Council and no meetings will be held in parallel.

II. Mandate of the facilitators

1. The regional groups¹ responsible for the facilitation of each informal working group will nominate an individual to act as facilitator.
2. Each facilitator would commit to holding that position beyond the current session to provide for continuity, and need not necessarily be the head of delegation.
3. The facilitators will moderate the discussions held during Council sessions and, as necessary, use best efforts to communicate with participants in their respective informal working group through electronic means during the intersessional period.
4. The facilitators will be kept informed of any workshops that may be relevant to the draft regulations related to their mandate.
5. The task of the facilitators will be to identify and build consensus.
6. The facilitators will apply an inclusive approach, including by reaching out to members of the Council, other States members of the Authority, the Special Representative of the Secretary-General of the International Seabed Authority for the Enterprise, observers and other stakeholders to ensure that all views are taken into account, as appropriate.
7. The facilitators will provide guidance to the Secretariat in compiling comments on the draft text, with a view to preparing a revised text, under their responsibility, for consideration by the Council.

¹ Noting that the Chair of the open-ended informal working group of the Council 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 of 10 December 1982, is from the Western European and other States.

8. The facilitators will report on the work of their respective informal working group to the plenary of the Council.
 9. The facilitators will consult regularly with each other and the Secretariat to align the methods of work in each of the informal working groups.
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