



INFORMATION NOTE ON MATTERS BEFORE THE SEVENTEENTH SESSION OF THE INTERNATIONAL SEABED AUTHORITY

11 - 22 JULY 2011, Kingston, Jamaica

1. This information note has been prepared to facilitate the work of the Authority at its forthcoming session from 11 to 22 July 2011. In order to ensure the utmost efficiency in the organization of meetings and to encourage the best possible attendance, the Assembly and Council will hold their first meetings on Tuesday 12 July 2011, thus allowing delegations additional time to arrive in Kingston. The Finance Committee will commence its meetings on 12 July, whilst the Legal and Technical Commission will commence its meetings one week prior to the main session of the Authority, from 4 to 8 July 2011. This note, as well as a provisional schedule of meetings and the official documents referred to herein, will also be made available for download from the Authority's website.
2. Members of the Authority are reminded that 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. It is the turn of the Group of African States to designate the member of the Council that will participate in the deliberations without the right to vote in 2011 in order to achieve equitable geographical representation in the Council.
3. The note identifies the primary matters that are to be considered by the Assembly, Council, Legal and Technical Commission and Finance Committee. It should be noted that, in accordance with the provisions of 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 therefore been designed with this consideration in mind.

I. FINANCE COMMITTEE

4. The Finance Committee will review and consider the auditor's report on the account of the Authority for 2010. The Committee will also review the status of the various special funds maintained by the Authority, including the Working Capital Fund, the Voluntary Trust Fund and the International Seabed Authority Endowment Fund for Marine Scientific Research. In addition, the Committee will make a recommendation as to the appointment of an independent auditor for 2011 and 2012.
5. The recommendations of the Finance Committee will be forwarded to the Council and Assembly in sequence as may be necessary.

II. LEGAL AND TECHNICAL COMMISSION

6. As agreed at the sixteenth session, the Legal and Technical Commission will commence its meetings one week prior to the main session of the Authority, from 4 to 8 July 2011, in order to enable it to complete its agenda, which is extensive.

7. The Commission will review and consider the annual reports of the eight exploration contractors submitted pursuant to the regulations for prospecting and exploration for polymetallic nodules in the Area. In this regard, at its last session, in 2010, the Commission had requested the secretariat to prepare for its consideration at the seventeenth session a detailed analysis of the reported expenditure by contractors under their contracts for exploration. In line with such request, the result of this analysis will be made available to the Commission for its consideration.

8. For most contractors, 2010 also marks the end of the second five-year phase of the fifteen-year plan of work for exploration under their contracts with the Authority. In accordance with the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, the contractor and the Secretary-General shall jointly undertake a periodic review of the implementation of the plan of work at intervals of five years. In the light of the review, the contractor shall indicate its programme of activities for the next five-year period, making such adjustments to its programme of activities as are necessary. Pursuant to the Regulations, the Secretary-General wrote to all those contractors affected by the relevant provisions in November 2010 requesting them to submit their proposed programme of activities for the final five-year period under the contract as soon as possible and at the latest by 31 March 2011. It is hoped that the periodic reviews will be completed prior to the seventeenth session. In any event, a report on the status of the reviews will be made to the Commission at its meeting.

9. Also in connection with the second five-year review, the Commission at its last meeting in 2010 had requested the secretariat to prepare for the seventeenth session a detailed analysis of the exploration and environmental work actually carried out by each contractor. Such a report had been requested in light of concerns expressed by members of the Commission over the slow pace of exploration work and the apparent lack of raw data being provided by contractors despite numerous requests for such data from both the Commission and the Secretary-General. Since the 2010 meeting, the secretariat has prepared a more detailed study, as requested, and this will be presented to the Commission in 2011.

10. At the time the present information note was compiled, four applications for approval of plans of work for exploration in the Area were pending consideration by the Commission and the Council. These are as follows:

11. Application for a plan of work for exploration for polymetallic nodules in a reserved area submitted by Nauru Ocean Resources Inc. on 10 April 2008.
- Application for a plan of work for exploration for polymetallic nodules in a reserved area submitted by Tonga Ocean Mining Ltd. on 10 April 2008.
- Application for a plan of work for exploration for polymetallic sulphides submitted by China Ocean Minerals Resources Research and Development Association (COMRA) on 7 May 2010.
- Application for a plan of work for exploration for polymetallic sulphides submitted by the Ministry of Natural Resources and the Environment of the Russian Federation on 24 December 2010.

12. Pursuant to the applicable Regulations, these applications must be examined by the Commission, which must then submit its report and recommendations on each application to the Council.

13. In November 2010, as recommended by the Commission at its previous meetings, the Authority convened an international workshop to review further a proposal for the establishment of a network of areas of particular environmental interest in the Clarion-Clipperton Fracture Zone (CCZ). One of the key outcomes of that workshop was a draft Environmental Management Plan for the CCZ. The draft plan, along with supporting documentation from the workshop, will be submitted to the Commission for its consideration in 2011.

III. COUNCIL

14. 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 seventeenth session.

15. The Council will resume its work on the draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area. It will be recalled that, during the fifteenth session, the Legal and Technical Commission adopted the draft regulations and decided to recommend the draft to the Council for adoption. The text of the draft regulations, as recommended by the Commission, was issued for consideration by the Council in all official languages under symbol ISBA/16/C/WP.2.

16. Although the Council took up this matter during the sixteenth session, it did not have sufficient time to complete its work. Some general comments were exchanged concerning the issues that the Council would need to discuss in more detail in relation to the draft regulations, including that of the appropriate size and configuration of areas for exploration, and an informal proposal was submitted by the delegation of China. The Council agreed to continue its work on the draft regulations at the seventeenth session, noting that the draft regulations proposed by the Commission would require further revision in order to bring them into alignment with the text of the Regulations on prospecting and exploration for polymetallic sulphides in the Area, as adopted by the Council during the sixteenth session. The secretariat was requested to provide a revised text of the draft regulations, taking into account the need to bring the draft regulations into alignment with the Regulations on prospecting and exploration for polymetallic sulphides in the Area.

17. In accordance with its usual practice, the Council will also be provided with a report on the work of the Legal and Technical Commission during the session and will take up any matters referred to it by the Commission. This will include consideration of the report and recommendations of the Commission on the four applications for approval of plans of work for exploration in the Area outlined in paragraph 10 above.

18. It will be recalled that at its 161st meeting, on 6 May 2010, the Council had requested the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea to render an advisory opinion on certain questions relating to the legal responsibilities and obligations of States Parties to the Convention with respect to the sponsorship of activities in the Area. Pursuant to that request, the Chamber handed down its Advisory Opinion in Case No. 17 *Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area*,¹ on 1 February 2011. The Council will have the opportunity to review the content of the Advisory Opinion and to discuss its implications for the Authority.

19. An election will take place for members of the Legal and Technical Commission for the period

2012 to 2016. It will be recalled that, at the sixteenth session, the Council expressed satisfaction with the work of the Legal and Technical Commission and the manner in which it had functioned over the past five years, took note of the view expressed by the Commission through its Chairman to the effect that the current size of the Commission had not prevented it from carrying out its work effectively and efficiently, and emphasized that the Commission needed to maintain a wide range of expertise to enable it to carry out its complex work. The Council agreed that, for the 2011 election, the size of the Commission may be increased, having due regard to economy and efficiency, to up to 25 members, without prejudice to future elections. The Council further agreed that, with respect to the election of members of the Commission to be held in 2011, the procedures previously adopted in 2007 and set out in document ISBA/13/C/6 must be applied strictly. In accordance with those procedures, the Secretary-General issued on 8 October 2010 an invitation to all members of the Authority to submit their nominations of candidates for election to the Commission, accompanied by a statement of qualification or curriculum vitae, by 25 January 2011. In light of changes to the dates of the seventeenth session, that date was subsequently extended to 11 April 2011.

20. The secretariat will circulate information relating to the names, qualifications and nominating countries of candidates for election in due course in accordance with the procedures set out in ISBA/13/C/6.

IV. ASSEMBLY

21. 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 seventeenth session. This will be followed by the consideration of requests for observer status. At the time the present information note was compiled, an application for observer status had been submitted by the Centre for Ocean Law and Policy at the University of Virginia, United States.

22. The matters for consideration by the Assembly during the seventeenth session include the consideration of the annual report of the Secretary-General and the election of members of the Finance Committee for the period 2012 to 2016.

23. With respect to the election of the members of the Finance Committee, the Secretary-General issued on 8 October 2010 an invitation to all members of the Authority to submit their nominations of candidates for election to the Committee, accompanied by a statement of qualification or curriculum vitae, by 25 February 2011. In light of changes to the dates of the seventeenth session, that date was subsequently extended to 11 May 2011. In the same communication, the Secretary-General reminded members of the Authority that, in accordance with section 9 of the annex to the 1994 Agreement, 15 members of the Finance Committee shall be elected by the Assembly. Due account shall be taken of the need for equitable geographical distribution and the representation of special interests. Each group of States referred to in section 3, paragraph 15(a), (b), (c) and (d) of the annex to the 1994 Agreement shall be represented on the Commission by at least one member. Until the Authority has sufficient funds other than assessed contributions to meet its administrative expenses, the membership of the Committee shall include representatives of the five largest financial contributors to the administrative budget of the Authority.

24. The secretariat will circulate information relating to the names, qualifications and nominating countries of candidates for election as soon as possible after the closing date for nominations.

25. 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.