



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

24 May – 4 June 2004, Kingston, Jamaica

1. This information note has been prepared to facilitate the work of the Authority during its tenth session to be held at Kingston from 24 May to 4 June 2004. The note identifies the matters that are to be considered by the Assembly, Council, Legal and Technical Commission and Finance Committee.
2. On 16 November 2004, the International Seabed Authority will celebrate the tenth anniversary of its establishment. That date is also the tenth anniversary of the entry into force of the 1982 UN Convention on the Law of the Sea. To celebrate this occasion, a special session of the Assembly will be convened on **25 and 26 May 2004**, to coincide with the tenth session of the Authority. The special session will consist of a formal event, to which distinguished speakers, including, amongst others, the Secretary-General of the United Nations and the Prime Minister of Jamaica have been invited. This will be followed by two panel discussions, the themes for which will be as follows:

Panel I: Review of the achievements of the Authority

Panel II: Future directions and prospects

An official programme for the special session will be released on the Authority's website as soon as confirmation has been received from all key speakers.

3. It should be noted that a number of substantive matters, including the budget and the scale of assessment of contributions to the budget have to be sequentially considered by different organs of the Authority before a final decision on them can be taken. The schedule of meetings for the various organs, which is attached with this note, has therefore been designed with this consideration in mind. Bearing in mind that the required quorum for the meetings of the Assembly under the Convention is one-half of the total membership, the schedule of meetings has also been designed with a view to ensuring that the ability of the Authority to take important decisions is not adversely affected.

Legal and Technical Commission

4. The Legal and Technical Commission will meet from 17 to 28 May 2004. The main task before the Commission will be the further consideration of the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the Area. The Commission had commenced detailed consideration of issues relating to the draft regulations during the ninth session in 2003, when it established four informal working groups to study specific aspects of the proposed regulations. The topics allocated to the informal working groups included (a) environmental impact of exploration activities, (b) size of exploration areas and a system whereby contractors might relinquish some of those areas to the Authority, (c) form of the work plans that applicants would be required to submit, detailing their intentions and, (d) type of arrangements between contractors and the Authority, whether a parallel system in which areas would be split between the two, equity-sharing arrangements or some other formula. The outcomes of the deliberations of these informal working groups were summarized and reported to the Council by the Chairman of the Commission in document ISBA/9/C/4.
5. At the request of the Commission, and in order to provide a basis for continued consideration of the regulations during the tenth session, the Secretariat has prepared for it a consolidated draft of the regulations incorporating, where possible, some of the suggestions made by the informal working groups. Also, in

accordance with a request by the Commission, a small number of internationally-renowned experts will be invited to participate in informal discussions on specific aspects of the draft regulations during the period 17 – 19 May in order to assist the Commission to reach a conclusion on some of the key outstanding technical issues.

6. During its meeting the Commission will also review and consider the annual reports of contractors, submitted pursuant to the regulations for prospecting and exploration for polymetallic sulphides in the Area.

7. 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 workshop on standardization of environmental data and information. The Commission will also continue the discussion it began in 2003 on the role of the Authority in relation to the protection of the biodiversity of the deep seabed.

Finance Committee

8. The Finance Committee will review the proposed budget of the Authority for the financial period 2005–2006. 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.

9. In accordance with its decision during the ninth session, the Finance Committee will revisit the issue of the modalities for funding the participation of members of the Legal and Technical Commission and the Finance Committee from developing countries with a view to making an appropriate recommendation to the Council and Assembly. The Committee will also take up the matter of the pension entitlements of the Secretary-General, which it did not have time to consider in 2003.

Council

10. In accordance with article 162, paragraph 2(b), of the Convention, the Council is required to propose to the Assembly a list of candidates for the election of the Secretary-General, whose term of office expires in June 2004.

11. Once the Legal and Technical Commission has formulated draft regulations on polymetallic sulphides and cobalt-rich crusts, the draft regulations will be submitted to the Council for consideration.

12. Other matters scheduled for consideration by the Council will include consideration of the supplementary agreement between the Authority and the Government of Jamaica regarding the headquarters of the Authority, consideration of the proposed budget for the financial period 2003–2004 and consideration of the scale of assessments for contributions to the budget, as well as any other recommendations submitted to it by the Finance Committee.

Assembly

13. The matters for consideration by the Assembly during the tenth session include the election of the Secretary-General in accordance with article 166, paragraph 2, of the Convention, the election of one half of the members of the Council in accordance with article 161 of the Convention, approval of the supplementary agreement between the Authority and the Government of Jamaica regarding the headquarters of the Authority, consideration of the annual report of the Secretary-General and the adoption of the budget of the Authority for the financial period 2005 – 2006 and the scale of assessment for contributions to the budget.

14. It will be recalled that in accordance with article 161, paragraph 3, of the Convention an election took place in 2002 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. The terms of office of the remaining one half of the members of the Council who were elected in 2000 will expire on 31 December 2004. It is therefore necessary for the Assembly to elect new members of the Council for the period 1 January 2005 to 31 December 2007.

15. 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 tenth session. 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. In light of changing circumstances since that time, and in light of a request made by one delegation to update the information provided to the Assembly, the Secretary-General, in December 2003, wrote to those States Parties that were in 1995 considered to fulfil the criteria for membership of Group B requesting them to provide such information on the status of preparatory investment relating to activities in the Area as may be necessary to update the indicative list.

16. In December 2003, the Secretary-General informed all States Parties that, following the successful conclusion of negotiations between the Secretariat and the Government of Jamaica, a supplementary agreement between the Authority and the Government of Jamaica regarding the headquarters of the Authority and the use of the Jamaica Conference Centre had been signed by the Secretary-General, on behalf of the Authority, and by the Hon. K. D. Knight, Minister of Foreign Affairs and Foreign Trade, on behalf of the Government of Jamaica. In accordance with its article 19, the supplementary agreement shall be applied provisionally upon signature and will enter into force on its approval by the Assembly of the Authority and by the Government of Jamaica. The supplementary agreement will be placed before the Assembly for consideration and approval at the tenth session, subject to its prior consideration by the Finance Committee (which is required to consider the financial and budgetary implications of the agreement) and the Council (ISBA/10/A/2-ISBA/10/C/2).

17. 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 seventh session and will indicate the main trends of the future work programme for the Secretariat.

18. The proposed budget of the Authority for the financial period 2003–2004 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.

19. 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
31 January 2004

This note, together with the schedule of meetings and all the documents referred to in the note, may be downloaded from the Authority's website at www.isa.org.jm.