



ISA Article 154 Review – Questionnaire¹

Introduction

Context

1. In its decision dated 24 July 2015 (ISBA/21/A/9), the Assembly of the International Seabed Authority decided to undertake, pursuant to Article 154 of the United Nations Convention on the Law of the Sea, a general and systematic review of the manner in which the international regime of the Area has operated in practice.
2. The Assembly in its 22nd Session, decided to provide States parties, observers and stakeholders, in the light of the comments and deliberations that took place during the 21st session, a further opportunity to submit written observations on the interim report, and on comments received thereto, before **15 October 2016**, including, if they had not done so, to reply to the questionnaire drawn up by Seascope Consultants Limited and submit the same before the deadline of 15 October highlighted above.

About this questionnaire

3. This questionnaire was designed by Seascope Consultants Ltd to solicit views and opinions from a wide range of stakeholders about the performance of the Authority. The questions reflect the core elements of the Authority's mandate, and are designed in such a way that the responses can be quantitatively analysed. The survey comprises 55 questions, and will take approximately 30-40 minutes to complete. Space is also provided for more detailed comments on each question.
4. Many questions in this survey refer to Articles of the Convention and the Agreement. You can find the full text of the Convention and the Agreement at: <http://www.un.org/depts/los/>

¹ Reissued as per decision of the Assembly-ISBA/22/11 paragraph.1. Copies are available in all UN Languages upon request.

Data protection

5. Information supplied by respondents to this questionnaire will be treated in confidence, and will only be used in relation to this review exercise. Respondents' personal information (names and e-mail addresses), will be kept securely by the Secretariat and in line with the ISA's policy on data handling. The data will only be used in connection with any follow-up or clarification arising from responses given in this survey. All responses will be anonymised in the reporting arising from this questionnaire.

Participation

Participation in this questionnaire is voluntary. By taking part, you confirm that you did not participate in the initial round of consultation conducted by Seascope Consultants Ltd and are presenting your views and comments independent of any analysis or assessment that you may gathered, encountered or formulated as a result of or in reaction to your perusal of the Interim Report.

Questions?

If you have any questions relating to this questionnaire, please contact the Secretary of the Assembly, Mr Sainivalati S. Navoti at snavoti@isa.org.jm

Part 1: About you

Information about you, and the level and nature of your engagement with the International Seabed Authority.

Your details

Title Mr. Mrs.
 Ms. Miss
 Dr. Prof.

First name: _____

Last name: _____

Gender: Male Female

In which geographic region are you based?

- Africa
- Asia
- Eastern Europe
- Latin America and Caribbean
- Western Europe and other

Are you responding to this questionnaire ...

- In a personal capacity?
- On behalf of a Member State?
- On behalf of an Organization?

Please enter the name of the State or Organization you represent: _____

Your contact details

Please provide a valid contact e-mail address (this will only be used in relation to this questionnaire and will not share this information with anyone else):

Please indicate your relationship to the ISA:

- Member of ISA Council
- Member of ISA Assembly
- Member of ISA Legal and Technical Commission
- Member of ISA Finance Committee
- Member of ISA Secretariat
- ISA Contractor
- ISA Observer
- Other — please clarify: _____
- No formal relationship to the ISA

If you have no formal relationship with the ISA, please indicate your affiliation:

- Non-governmental organization
- Scientist
- Industry
- Other: _____

How long have you been directly engaged with the Authority?

- Less than one year
- More than one year but less than three years
- More than three years but less than five years
- More than five years but less than seven years
- More than seven years

Aside from your current relationship with the ISA, have you had any other engagement with the Authority in a work-related capacity in the past?

- Yes
- No
- If yes, please briefly describe: _____

Over the past 15 years, which of the ISA annual sessions have you participated in? Please check all that apply

- 7th Session (July 2001)
- 8th Session (July 2002)
- 9th Session (July 2003)
- 10th Session (July 2004)
- 11th Session (July 2005)
- 12th Session (July 2006)
- 13th Session (July 2007)
- 14th Session (July 2008)
- 15th Session (July 2009)
- 16th Session (July 2010)
- 17th Session (July 2011)
- 18th Session (July 2012)
- 19th Session (July 2013)
- 20th Session (July 2014)
- 21st Session (July 2015)

Part 2: The regime for exploration for and exploitation of deep-sea minerals in the Area

In this section we pose a series of statements about the Authority. Please use the check boxes to indicate whether you agree or disagree with these statements. There is space under each question to add any further comments you may have.

1) The Authority effectively organizes and controls activities in the Area, particularly with a view to administering the resources of the Area

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

2) State Parties effectively control entities with whom they enter into contracts for exploration

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

3) The Authority has fully elaborated the regime (rules, regulations and procedures) for the exploration for polymetallic nodules, cobalt crusts and seafloor massive sulphides

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

4) **The legal rights and responsibilities established by the Authority for stakeholders are clear and unambiguous**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

5) **The Authority has effectively implemented the regime established by the Convention to promote and regulate exploration for deep-sea minerals**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree

Don't know

Comments (150 words):

6) **Relating to the Authority's policies concerning activities in the Area (Article 150):**

a) **The Authority, in developing policies for the Area, is ensuring the enhancement of opportunities for all States Parties to participate in the development of the resources of the Area irrespective of their social and economic systems or geographical location**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

b) **The Authority, in developing policies for the Area, is ensuring that monopolisation of activities in the Area is prevented**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

c) **The Authority, in developing policies for the Area, is ensuring the development of a common heritage for the betterment of mankind as a whole**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

7) **With respect to the Authority's obligations to the benefit of mankind (Article 140):**

a) **The Authority is fulfilling its obligations to ensure that activities in the Area are carried out for the benefit of mankind**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

b) In fulfilling these obligations the Authority is taking into particular consideration the interests and needs of developing States

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

c) In fulfilling these obligations, the Authority is taking into account the interests of peoples who have not obtained full independence or other self-government status recognized by the United Nations in accordance with General Assembly resolution 1514 (XV) and other relevant General

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

8) In exercising its powers in the Area (Article 152) the Authority has avoided discrimination, including in the granting of opportunities for activities in the Area

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

9) The Authority has effectively dealt with the 15-year licence applications and associated on-going plans of work for mineral exploration in the Area in an expeditious manner

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

10) **The Authority has effectively managed the annual reporting process for Contractors**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

11) **The Authority has effectively monitored Contractors' compliance with approved plans of work**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

12) **The Authority has effectively monitored and reviewed trends and developments related to seabed mining activities, including regular analysis of world metal market conditions and metals prices, trends and prospects**

- Strongly agree

- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

13) **The Authority has studied the potential impact of mineral production from the Area on the economies of developing land-based producers**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

14) **The regime in the Area incorporates applicable standards for the protection and preservation of the marine environment**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

15) **With respect to marine scientific research in the Area (Article 143):**

a) **The Authority has promoted and encouraged marine scientific research with respect to activities in the Area with an emphasis on marine environmental impact**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

b) **The Authority has effectively used the Endowment Fund for Marine Scientific Research in the Area to facilitate marine scientific research in the Area, including the facilitation of production and sharing of data**

- Strongly agree

- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

16) **The Authority has effectively monitored the development of marine technology relevant to activities in the Area, in particular technology related to protection and preservation of the marine environment**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

17) **The Authority is conducting timely elaboration of rules regulations and procedures for exploitation**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

18) **The Authority has developed efficient and effective means of enforcing conditions of exploration contracts**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

19) **The current governance processes of the Authority are sufficiently transparent, allowing access to information and sharing of data as appropriate**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree

- Strongly disagree
- Don't know

Comments (150 words):

Part 3: Representation and attendance at the Authority's annual sessions

In this section we pose a series of statements about representation and attendance at the Authority's annual sessions. Please use the check boxes to indicate whether you agree or disagree with these statements. There is space under each question to add any further comments you may have.

20) **In general the level of representation and attendance at the Authority's annual sessions is effective**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

21) **The Authority's annual sessions benefit from continuity of representation and attendance, creating institutional memory**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

22) **There are adequate opportunities for observer organizations to make contributions to the annual sessions**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

23) **Representation and attendance is strongly influenced by financial constraints in Member States and Observer organizations**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

24) **Quorum rules are effectively applied**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

Part 4: Performance of the Assembly

In this section we pose a series of statements about the Assembly of the International Seabed Authority. Please use the check boxes to indicate whether you agree or disagree with these statements. There is space under each question to add any further comments you may have.

25) **The remit of the Assembly is clearly defined**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

26) **The functioning of the Assembly corresponds to its role as the supreme organ of the Authority (Article 160)**

- Strongly agree
- Agree

- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

27) **The Assembly as the supreme organ of the Authority has been effective in establishing general policies for activities in the Area**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

28) **The Assembly has efficiently exercised its additional powers and functions pursuant to Article 160, paragraph 2, of the Convention on the Law of the Sea**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

29) **The Assembly exercises strategic leadership on behalf of the Authority**

- Strongly agree

- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

Part 5: Performance of the Council

In this section we pose a series of statements about the Council of the International Seabed Authority. Please use the check boxes to indicate whether you agree or disagree with these statements. There is space under each question to add any further comments you may have.

30) The remit of the Council is clearly defined

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

31) The Council as the executive organ of the Authority has been effective in establishing specific policies for activities in the Area

- Strongly agree
- Agree

- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

32) The Council has efficiently exercised its additional powers and functions pursuant to Article 162, paragraph 2, of the Convention on the Law of the Sea

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

33) The Council effectively supervises and coordinates implementation of the regime established by the Convention to promote and regulate exploration for and exploitation of deep-sea minerals

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

Part 6: Performance of the Secretariat

In this section we pose a series of statements about the Secretariat of the International Seabed Authority. Please use the check boxes to indicate whether you agree or disagree with these statements. There is space under each question to add any further comments you may have.

34) The structure of the Secretariat is appropriate to perform its functions (as described in Subsection D of Section 4 of Part 11 of the Convention on the Law of the Sea)

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

35) The Secretariat efficiently provides the necessary support to the organs of the Authority

- Strongly agree
- Agree

- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

36) **The Secretariat has satisfactorily performed the functions of the Enterprise (as described in the Agreement, Annex, Section 2)**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

37) **In the performance of their duties, the Secretary-General and their staff do not seek or receive instructions from any government or any other sources external to the Authority**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

38) **The Secretariat is adequately funded**

- Strongly agree

- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

39) **The Secretariat has adequate levels of staff and expertise**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

40) **The Authority's website provides adequate information for States and Observers, as well as sufficient outreach capability (note that the ISA website underwent a significant revision in 2015, so please ensure your response is based on the content of the new site)**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

Part 7: Performance of the Legal and Technical Commission

In this section we pose a series of statements about the International Seabed Authority's Legal and Technical Commission (LTC). Please use the check boxes to indicate whether you agree or disagree with these statements. There is space under each question to add any further comments you may have.

41) **The mandate for the LTC is clear and well defined**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

42) **The distribution of expertise within the members of the LTC is appropriate for its mandate**

- Strongly agree

- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

43) **Membership of the LTC is strongly influenced by the funding capability of nominating Member States**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

44) **The LTC has appropriate and effective levels of interaction with the Council and the Assembly**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

45) **The current and projected workload of the LTC is manageable**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

46) **The LTC was originally conceived as an advisory body but has gradually transformed into a “preparatory committee” for the Council and the Assembly**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

47) **Current membership renewal rules hinder sufficient continuity of experience and expertise of members of the LTC**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

48) **The impartiality of the LTC is at risk of being compromised by some members' dual roles**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

Part 8: Performance of the Finance Committee

In this section we pose a series of statements about the International Seabed Authority's Finance Committee. Please use the check boxes to indicate whether you agree or disagree with these statements. There is space under each question to add any further comments you may have.

49) **The Finance Committee's mandate is clear and well defined**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

50) **The Finance Committee has satisfactorily overseen the financing and financial management of the Authority**

- Strongly agree
- Agree

- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

51) **Current membership renewal rules hinder sufficient continuity of experience and expertise of members of the Finance Committee**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

52) **The current and projected workload of the Finance Committee is manageable**

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

53) **The impartiality of the Finance Committee is at risk of being compromised by some members' dual roles**

- Strongly agree

- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree
- Don't know

Comments (150 words):

Future directions and final comments

54) **Please use the space below to record any final comments about the operation of the International Seabed Authority over the past five years.**

55) **Please use the space below to make suggestions or recommendations for the future direction and operation of the International Seabed Authority.**

Submit Questionnaire or scanned copy to: snavoti@isa.org.jm

Thank You!