



INFORMATION NOTE ON MATTERS BEFORE THE TWENTY-SECOND SESSION OF THE INTERNATIONAL SEABED AUTHORITY

4 to 22 July 2016, Kingston, Jamaica

1. This information note has been prepared to inform members and observers of the International Seabed Authority of the work of the Authority at its forthcoming twenty-second session scheduled to be held in Kingston, Jamaica from 4 to 22 July 2016.
2. The first week of meetings, from 4 to 11 July, 2016 will be devoted to meetings of the Legal and Technical Commission and the Finance Committee. This will ensure that all recommendations of these subsidiary bodies are ready for consideration by the Council during the following week. The Assembly will formally convene on for the first time on Tuesday, 12 July 2016, to be followed by the Council. The Assembly will continue its work when the work of the Council has been completed.
3. Members of the Authority are reminded that it is the turn of the Asia and Pacific Group to nominate a candidate for the Presidency of the Assembly in 2016. It will be the turn of the Eastern European States Group to nominate a candidate for the presidency of the Council. Each of the other regional groups will be entitled to nominate a Vice-President of the Assembly and a Vice-President of the Council. There is also a Credentials Committee to be appointed. It will be very helpful to the secretariat, and will also facilitate the smooth running of the session, if regional groups can coordinate on the issue of candidatures for these positions in advance of the session.
4. This note outlines the main issues for consideration by the Assembly, Council, Legal and Technical Commission and Finance Committee. It is important to note that, as required by 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 agendas for the various organs, and the indicative programme of work, which are attached to this note, have been designed with this consideration in mind.

I. FINANCE COMMITTEE

5. The Finance Committee will review the implementation of the budget and the audited financial statements for the financial period 2015-2016 and will consider potential cost-saving measures and the Authority's audit report for 2015. The Committee will also consider the status of the Working Capital Fund, the status of the Endowment Fund and the Voluntary Trust Fund and the status of implementation of the International Public Sector Accounting Standards (IPSAS).
6. The Committee will also consider the proposed budget for the financial period 2017-2018. In accordance with the decision of the Assembly in 2015 (ISBA/21/A/10), the strategic framework and proposed budget for the financial period 2017-2018 have been prepared according to a revised budget format recommended by the Finance Committee in 2015. The new budget format continues to include an administrative section, but adds a programme section covering six substantive programme areas

identified by the Committee. As noted by the Committee in 2015, the advantages of the new format would include more accountability and transparency with regard to the strategic direction of the Authority and enhanced strategic decision-making, as well as more detailed reporting on the results achieved in each programme area.

II. LEGAL AND TECHNICAL COMMISSION

7. The Legal and Technical Commission was scheduled to meet twice in 2016. The first meeting was held from 22 February to 4 March 2016; the second meeting will take place during the twenty-second session of the Authority from 4 to 11 July 2016. At its session in February 2016, the Commission adopted its agenda¹ and re-elected its chairman (Christian Reichert, Germany) and vice-chairman (Elva Escobar-Briones, Mexico). During its meeting in February, the Commission focused on priority items on its agenda, including applications for extension of contracts for exploration and the preparation of the draft regulations for exploitation, which had been identified as a priority deliverable for the Council in 2016. During the July meeting, in addition to concluding its deliberations on the above matters, the Commission will be required to review the annual activity reports of exploration contractors and deal with any new applications for approval of plans of work for exploration.

8. In addition to the foregoing, a number of matters had been referred to the Commission by the Council. Two of these matters – issues relating to the operation of the Enterprise, and issues related to the sponsorship by States of contracts for exploration in the Area – had been placed on the agenda of the Commission for 2015, but the Commission did not have sufficient time to consider these matters fully. As far as possible, these matters will be taken up by the Commission in July, prior to the expiration of the term of office of the present membership of the Commission.

9. Further information regarding the work of the Commission during the twenty-second session can be found at <https://www.isa.org/im/files/documents/EN/22Sess/LTC.pdf>.

III. COUNCIL

10. The Council will commence its business with the adoption of the agenda followed by the election of a President and Vice-Presidents. A total of 22 items are currently listed on the provisional agenda of the Council.

11. Among the routine items of business for the Council are the consideration of the report of the Secretary-General on the status of national legislation relating to deep seabed mining, review of the status of contracts for exploration and consideration of information relating to the periodic review of implementation of plans of works for exploration. The Council will also receive the report of the chairman of the Legal and Technical Commission on the work of the Commission and consider and take action on any specific recommendations made by the Commission. It is anticipated that the Commission will make recommendations for consideration of the Council in relation to applications for extension of contracts for exploration. The Commission is also expected to report on the matters specifically referred to it by the Council (see paragraph 8 above) as well as on progress with respect to the draft exploitation code and the allocation of training opportunities under contracts for exploration. In relation to the

¹ ISBA/22/LTC/1.

latter, the Council had endorsed in 2015 a number of priority deliverables identified by the Commission as critical to work on the draft exploitation code. These included the preparation of a zero draft of the exploitation regulations and standard contract terms based on the working structure agreed by the Commission in 2015, a data management strategy for the Authority and a technical implementation plan based on the advice of the Commission, and proposals relating to environmental impact assessment and evaluation of environmental impact statements as well as other environmental matters which would be regulated by the mineral exploitation code.

12. The Council will also consider the report of the Finance Committee, and make recommendations to be forwarded to the Assembly concerning the budget of the Authority for the financial period 2017-2018 and the scale of assessment for contributions to the budget.

13. Since the term of office of the existing members of the Legal and Technical Commission will expire on 31 December 2016, the Council is required to elect members of the Commission to serve for the next term of five years. As of 11 April 2016, being the closing date agreed by the Council in 2015, a total of 30 candidates had been nominated by members of the Authority for election to the Commission (available in document ISBA/22/C/2).

14. Finally, the Council will also be invited to consider how to deal with important legal questions arising in relation to potential conflicts between the right of all States to carry out marine scientific research in the Area and the duty of the Authority to guarantee exclusive rights to contractors to carry out exploration in areas allocated under contracts for exploration. A report on this matter, with a full explanation of the issues in question, will be made available by the secretariat well in advance of the session (ISBA/22/C/3).

IV. ASSEMBLY

15. In keeping with past practice, the Assembly will open on Tuesday 12 July. It will commence its business with the adoption of the agenda followed by the election of a President and Vice-Presidents. It is the turn of the Asia and Pacific Group to nominate a candidate for the Presidency of the Assembly in 2016. A number of applications for observer status will also need to be considered. It will continue its work when the work of the Council has been completed.

16. The Assembly will consider the annual report of the Secretary-General, submitted pursuant to article 166 of the Convention. It will also consider the interim report of the review committee established by the Assembly in 2015 to oversee a general and systematic review of the manner in which the international regime of the Area established in the Convention has operated in practice, as mandated by article 154 of the Convention. Members of the Authority will recall that the membership of the review committee comprises the President and the Bureau of the Assembly, together with the President of the Council, with the current President of the Assembly remaining a member of the Committee until the completion of the review. The Chairs of the regional groups may also participate as observers in the review committee. The terms of reference for the review are contained in the annex to Assembly decision ISBA/21/A/9/Rev.1 and include, inter alia, a review of the manner in which the various organs and subsidiary organs of the Authority have operated in practice and whether they have effectively performed the functions stipulated in paragraph 5 of section 1 of the annex to the 1994 Agreement. During 2016, the review committee is expected to present an interim report, including any

comments by the secretariat, the Legal and Technical Commission and the Finance, for consideration by the Assembly. A final report will be submitted in 2017.

17. The Assembly will be required to consider the report of the Finance Committee, and approve the budget of the Authority for the financial period 2017-2018 and the scale of assessment for contributions to the budget, taking into account the recommendations of the Finance Committee and of the Council.

18. Since the term of office of the existing members of the Finance Committee will expire on 31 December 2016, the Assembly is required to elect 15 members of the Committee to serve for the next term of five years. As of 11 April 2016, a total of 13 candidates had been nominated by members of the Authority for election to the Committee.

19. Elections to fill vacancies in the Council will also take place in the Assembly this session. Two vacancies will need to be filled in Group A, one vacancy in Group B, two vacancies in Group C, three in Group D and twelve vacancies in Group E for the period 2017 to 2020. The secretariat has prepared two information papers to assist member States determine the States eligible for election in each group of the Council. These are available at <https://www.isa.org.jm/sessions/22nd-session-2016>.

20. The Assembly is also required to elect a Secretary-General of the Authority for a term of office commencing on 1 January 2017 from amongst the list of candidates to be proposed by the Council.

21. The Assembly may also be required to consider any other items that may be brought to its attention by members of the Authority.

2 May 2016
Kingston, Jamaica

This note together with a provisional schedule of meetings and the official documents referred to herein, will also be made available for download from the Authority's website at <http://www.isa.org>.