



Information note on matters for consideration before the Council of the International Seabed Authority during the first part of the twenty-fourth session of the Authority

Introduction

1. This information note has been prepared to inform members and observers of the International Seabed Authority of the work of the Council of the Authority at its forthcoming session, first part I, in March 2018 (the “March session of the Council”).
2. Members of the Council will recall that during the twenty-third session of the Authority last year, the Assembly, acting on the recommendation of the Article 154 Review Committee, endorsed the revised schedule of meetings for 2018 and 2019 ([ISBA/23/A/13](#), section D, OP.1) owing to the increase in the workload of the Authority. Accordingly, the twenty-fourth session of the Council will be held in two parts. For the first part, the Council will hold ten meetings from 5 to 9 March 2018, at the headquarters of the Authority in Kingston immediately prior to the two-week meetings of the Legal and Technical Commission. The second part of the session of the Council will be from 16 to 20 July 2018, following the meetings of the Commission¹ and preceding the meetings of the Assembly².
3. Members of the Council will also recall that last year the Assembly requested the Secretary-General to establish a voluntary trust fund for the purpose of defraying the cost of participation of members of the Council from developing States in its second annual meeting ([ISBA/23/A/13](#), section D, OP.3). The Secretary-General promulgated the provisional terms of reference for the administration of the fund in August 2017 (ISBA/ST/SGB/2017/9 [EN/FR](#))³ which will be submitted to the Finance Committee for review at its meeting in July 2018.
4. This note outlines the items of the provisional agenda ([ISBA/24/C/L.1](#)) for consideration by the Council at its March session only. The provisional agenda for the Council and the revised indicative programme of work have been placed on the [24th Session](#) page of the Authority’s website.

Adoption of the agenda

5. The Council will open its session on Monday, 5 March 2018. The first decision of the Council will be the adoption of its agenda for the two parts of its 2018 session.

Elections of the bureau

6. This will be followed by the election of the bureau. Pursuant to rule 22 of the Rules of Procedure of the Council, each year at its first regular session, the Council elects a President and four Vice-Presidents from among its members, so that each regional group is represented by one officer. Members of the Council of the Authority are reminded that for the twenty-fourth session, it is the turn

¹ From 2 to 13 July 2018.

² From 23 to 27 July 2018.

³ <https://undocs.org/ISBA/ST/SGB/2017/9>



of the Western European and other States Group to nominate a candidate for the presidency of the Council in 2018. In this regard, it would be very helpful to the Secretariat, and also so as to facilitate the smooth running of the session, if regional groups could coordinate on the candidate nominations for these positions in advance of the opening of the session of the Council, and to provide this information to the secretary of the Council, Gwenaëlle Le Gurun at glegurun@isa.org.jm at the earliest available opportunity.

Credentials

7. Among the routine item of business for the Council is the report on credentials of members of the Council. According to the Rules of Procedure of the Council, each member of the Council is represented at the meetings of the Council by an accredited representative, who may be accompanied by alternate representatives and advisers. Credentials of representatives and the names of alternate representatives and advisers of members of the Council must be submitted to the Secretary-General if possible not later than twenty-four hours after their taking of seats on the Council. The credentials are issued either by the Head of State or Government, by the Minister for Foreign Affairs or a person authorized by him or her or, in the case of entities referred to in article 305, paragraph 1 (f), of the Convention, by another competent authority.

8. Furthermore, any member of the Authority not represented on the Council, attending a meeting of the Council, must submit credentials for the representative appointed by it to the Secretary-General not less than twenty-four hours before the meetings attended by the accredited representative. The credentials of representatives of members of the Council as well as those of members of the Authority not represented on the Council will be examined by the Secretary-General, who will submit a report to the Council for approval during the first part of the session of the Council in March 2018.

9. Observers referred to in rule 82 of the Rules of Procedure of the Assembly may designate representatives to participate, without the right to vote, in the deliberations of the Council, upon the invitation of the Council, on questions affecting them or within the scope of their activities.

10. Members of the Council and any member of the Authority not represented on the Council are cordially invited to submit credentials for their representatives. In that regard, there are two options: (a) either delegations present credentials for attendance at the March session of the Council only and will further submit credentials for the second part of the session of the Council and for the session of the Assembly in July 2018; or (b) delegations may opt for the submission of credentials for the entire twenty-fourth session of the Authority.

11. Observers referred to in paragraph 1(d) and (e) of rule 82 of the Rules of Procedure of the Assembly are also cordially invited to submit their letters of accreditation at the earliest possible opportunity prior to the meetings for the March session of the Council only or for the entire twenty-fourth session of the Authority.



12. Credentials and letters of accreditation can be emailed to the office manager, Christine Griffith at cgriffiths@isa.org.jm and the original presented to the Protocol office upon arrival at the headquarters of the Authority.

Election to fill a vacancy on the Legal and Technical Commission

13. Following the resignation of one member of the Commission, and pursuant to Rule 80 paragraph 3 of the Rules of Procedure of the Council, the Council will elect a candidate to serve for the remainder of the term of the member who resigned in late 2017. One candidate has been nominated by the Government of Egypt ([ISBA/24/C/2](#)). The elected member will be able to participate in the two-week meeting of the Commission immediately after the March session of the Council.

Status of Contracts for exploration and related matters

14. Members of the Council will be provided with a report on the status of contracts for exploration and related matters, which is a regular item on the agenda of the Council.

Reports of the Secretary-General on the interim implementation of the decision of the Council adopted in 2017 relating to the summary report of the Chair of the Legal and Technical Commission

15. As requested by the Council last year, the Secretary-General will update the Council on the implementation of the Council's decision relating to the summary report of the Chair of the Legal and Technical Commission ([ISBA/23/C/18](#), OP. 20). Accordingly, the Council will consider a report with an interim update on the implementation of that decision. In addition, a separate report of the Secretary-General has been prepared which contains a preliminary strategy to make progress on the development of regional environmental management plans under the auspices of the Authority for key mineral provinces for where exploration activities under contracts are carried out (see [ISBA/23/C/18](#), OP. 16). Lastly, a separate report will include details on issues related to contractor's compliance in response to a request made in the 2017 decision of the Council (see [ISBA/23/C/18](#), OP.12).

Draft Regulations on exploitation of mineral resources in the Area

16. Last year, the Council requested that work on the regulations on exploitation of mineral resources in the Area continue as a matter of priority, bearing in mind the roadmap towards the adoption and approval of the Regulations ([ISBA/23/C/13](#), Annex). The attached revised indicative programme of work for the first part of the session of the Council has been prepared in order to enable the Council to progress its review of the consolidated single set of draft exploitation regulations which was released by the Secretary-General during the last session of the Council ([ISBA/23/LTC/CRP.3*](#)). The Council will also be presented with an overview of stakeholders responses, to the draft exploitation regulations and related questions presented to stakeholders in August 2017 ([ISBA/23/C/12](#), annex). According to the revised schedule of meetings, the first part of the session of the Council will take place prior to the meeting of the Legal and Technical Commission to give some guidance to the Commission in its further deliberations on the draft exploitation regulations.



17. Since the last session, the following developments have taken place. As at 16 January 2018, the secretariat had received 53 written submissions from stakeholders, which have been posted on the Authority's [website](#).⁴ These submissions will be analyzed by the Secretariat with a view to preparing a summary report to assist the Council and the Commission.

18. Furthermore, a workshop will be convened in London from 12 to 13 February 2018, jointly hosted by the Royal Society and the United Kingdom Foreign and Commonwealth Office, with the aim of stimulating informal discussion amongst members of the Council and the Commission as well as experts on key policy, legal and institutional issues that the development of the exploitation regulations requires to be addressed. The outcomes of this workshop will be made available to the Council and the delegation of the United Kingdom will present a report on the outcomes of the workshop during a side event at 1:15 pm on Monday 5 March.

19. In light of discussion in the Commission regarding the need for an independent financial model, the Secretariat has engaged with the Massachusetts Institute of Technology (MIT) to develop such a model and verify the underlying assumptions put forward in the three payment regime workshops that were held in 2016 and 2017. The Secretary-General requested contractors, on a voluntary basis, to transmit forecasted financial data to this end and several of them responded to this invitation. These data were anonymized and transmitted to MIT experts to help them in modeling a range of data and payment mechanisms for future consideration by the Commission and the Council. A presentation of the financial model will be made by MIT to the Commission on 21 March 2018. Subsequently, a consultation paper will be issued for stakeholder comment.

Cooperation with other relevant international organizations

20. Since the last session of the Authority, consultations have taken place at secretariat levels with the Asian-African Legal Consultative Organization (AALCO) concerning possible areas of cooperation between the two organizations. As a result of those exchanges of views, it was proposed to formalize the cooperation between the two organizations in the form of a memorandum of understanding. Such memorandum follows the pattern of similar cooperative arrangements previously concluded by the Authority and the AALCO respectively, and is subject to approval by the Council, in accordance with article 169 of the Convention. A note with the text of the memorandum has been prepared for consideration by the Council in March.

Kingston
16 January 2018

⁴ <https://www.isa.org.jm/news/international-seabed-authority-releases-stakeholder-submissions-draft-exploitation-regulations>