



INFORMAL NOTE ON MATTERS BEFORE THE SIXTEENTH SESSION OF THE INTERNATIONAL SEABED AUTHORITY

26 April to 7 May 2010, Kingston, Jamaica

1. This information note has been prepared to facilitate the work of the Authority at its forthcoming session from 26 April to 7 May 2010. 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 27 April 2010, thus allowing delegations additional time to arrive in Kingston. The Finance Committee will commence its meetings on 26 April and the Legal and Technical Commission will commence its meetings one week prior to the main session of the Authority, from 19 to 23 April 2009. This note, as well as a provisional schedule of meetings and the official documents referred to herein, will be made available for download from the Authority's website at <http://www.isa.org.jm>.
2. Members of the Authority are reminded that it is the turn of the Group of Western European and Other States to nominate a candidate for the Presidency of the Assembly. It is the turn of the Asian Group to nominate a candidate for the Presidency of the Council. It is the turn of the Group of Western European and Other States to designate the member of the Council that will participate in the deliberations without the right to vote in 2010 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 Convention and the Agreement, 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. These matters include the budget and the scale of assessment of contributions to the budget. 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 the proposed budget of the Authority for the financial period 2011 to 2012. 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.
5. The Finance Committee will also consider the audit report for 2009, as well as reports on the status of the voluntary trust fund and the International Seabed Authority Endowment Fund.

II. LEGAL AND TECHNICAL COMMISSION

6. As agreed at the fifteenth session, the Legal and Technical Commission will commence its meetings one week prior to the main session of the Authority, from 19 to 23 April 2010, in order to enable it to complete its agenda.

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. As part of this process, the Commission will also receive a report on the completion of the training programme conducted by the Federal Institute for Geosciences and Natural Resources of Germany pursuant to its contract with the Authority.

8. At its last meeting during the fifteenth session, the Commission had used its powers under regulation 38 of the Regulations on prospecting and exploration for polymetallic nodules in the Area to issue new recommendations for the guidance of contractors on the reporting of actual and direct exploration expenditures (ISBA/15/LTC/5). The Commission had also carried out a preliminary review of the recommendations for guidance on environmental matters (issued in 2001 as ISBA/7/LTC.1/Rev.1**) and had decided to return to this matter at the sixteenth session. In particular, the Commission had suggested that the recommendations be revised to include a standard sampling protocol and a storage protocol for archive data. A document containing proposed revisions to the 2001 recommendations will be prepared for circulation prior to the sixteenth session.

9. The Commission will also consider the final report and recommendations of the project to establish a geological model for the Clarion-Clipperton Zone of the Central Pacific Ocean, which was completed at the end of 2009.

III. COUNCIL

10. 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 sixteenth session.

11. The Council will resume its work on the revised draft regulations on prospecting and exploration for polymetallic sulphides. It will be recalled that during the fifteenth session, the Council considered a number of outstanding issues with respect to the draft regulations. As a result of its discussions, the Council reached agreement on revisions to the following draft regulations: regulation 21(3), 24(1), 28 and 45(3), and to the following provisions of Annex 4 to the draft regulations: Section 17.3; Section 21.1 *bis*; Section 25.2. At the conclusion of the session, the Secretariat issued a revised text of the draft regulations incorporating the revisions on which agreement had been reached (ISBA/15/C/WP.1/Rev.1). The Council was not able to complete its consideration of proposed revisions to regulations 12(5), and 23(3) and (10) dealing with, respectively, anti-monopoly and overlapping claims and it was agreed to continue discussion of these issues at the sixteenth session with a view to finally adopting the draft regulations.

12. 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.

13. In 2011 it will be necessary to hold an election for members of the Legal and Technical Commission for the period 2012 to 2016. It will be recalled that, by its decision ISBA/13/C/7, of 18 July 2007, the Council decided on a procedure for nominations of candidates for future elections to the Commission. In the same decision, the Council also requested the Secretary-General, taking into account the views of the chairs of the Legal and Technical Commission, to prepare a report for consideration by the Council in 2010 on the functioning of the Commission, with a view to the Council determining in 2010 the number of members of the Commission to be elected in 2011. Such a report has been prepared and will be circulated to all members of the Council in due course for consideration during the sixteenth session.

14. During 2009, the United Nations implemented a number of important changes to the system for administration of justice within the United Nations system of organizations. These changes included the abolition of the former United Nations Administrative Tribunal and the creation of a new United Nations Appeals Tribunal. As the Authority, along with a number of other, similar, organizations in relationship with the United Nations, had previously subscribed to the appellate jurisdiction of the Administrative Tribunal, the implementation of the new system has certain implications for the Authority which will require, *inter alia*, technical adjustments to the Staff Regulations of the Authority. Such adjustments will require consideration and adoption by the Council and the Assembly. A document identifying the necessary adjustments to the Staff Regulations will be prepared and circulated in advance of the session.

15. At its meeting during the fifteenth session, the Legal and Technical Commission adopted draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area and decided to recommend the draft to the Council for adoption. The text of the draft regulations, as recommended by the Commission, has been issued for consideration by the Council in all official languages under symbol ISBA/16/C/WP.2. The Council will take up this matter during the sixteenth session.

IV. ASSEMBLY

16. 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 sixteenth session. This will be followed by the consideration of two requests for observer status, submitted by the International Cable Protection Committee Ltd. and the OSPAR Commission.¹

17. The matters for consideration by the Assembly during the sixteenth session include the election of one-half of the members of the Council in accordance with article 161 of the Convention, consideration of proposed amendments to the Staff Regulations of the Authority, consideration of the annual report of the Secretary-General and the adoption of the budget of the Authority and the scale of assessment for contributions to the budget.

18. It will be recalled that, in accordance with article 161, paragraph 3, of the Convention, an election took place in 2008 for one-half of the members of the Council in

¹ An official document will be issued in due course relating to the details of these requests. Any further requests for observer status, received after the issue of this informal note, will be dealt with strictly in accordance with the Rules of Procedure of the Assembly.

each of the five interest groups referred to in paragraph 15 of Section 3 of the Annex to the 1994 Agreement relating to the Implementation of Part XI of the Convention. The terms of office of the remaining one-half of the members of the Council who were elected in 2006 will expire on the 31 December 2010. It is therefore necessary for the Assembly to elect 17 new members of the Council for the period 1 January 2011 to 31 December 2014.

19. 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 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 sixteenth session. As in previous years, statistics concerning investment in seabed activities will require the cooperation of the relevant member States.

20. The proposed budget of the Authority for the financial period 2011 – 2012 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.

21. 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 fifteenth session and will indicate the main trends of the future work programme for the Secretariat.

22. 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
January 2010