

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

I. 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, which is scheduled to be held from 15 to 19 July 2019, under the presidency of H.E. Lumka Yengeni (South Africa). This note outlines the items of the agenda ([ISBA/25/C/1](#)) for consideration by the Council at its July session. The indicative programme of work has been placed on the Authority's website at: <http://bit.ly/Council-IPW>

II. Credentials (item 5 of the agenda)

2. According to the Rules of Procedure, 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.

3. 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.

4. 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.

5. 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. 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 second part of the session of the Council.

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

III. Election to fill a vacancy on the Legal and Technical Commission (item 6 of the agenda)

7. 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 Mr. Alonso Francisco Martínez Ruiz (Mexico) who resigned in April 2019. One candidate, Dr. Erasmo Alonso Lara Cabrera has been nominated by the Government of Mexico ([ISBA/25/C/23](#)).

IV. Status of national legislation relating to deep seabed mining and related matters (item 8 of the agenda)

8. As a standing item, the Council will consider a report on the status of national legislation relating to deep seabed mining ([ISBA/25/C/24](#)).

V. Consideration, with a view to approval, of applications for a plan of work for exploration (item 9 of the agenda)

9. The Legal and Technical Commission is considering an application for approval of a plan of work for exploration for polymetallic nodules submitted by Beijing Pioneer Hi-Tech Development Corporation, sponsored by China. If the Commission makes a recommendation to the Council, the Council will have the opportunity to make a decision regarding the application, acting on those recommendations.

VI. Reports of the Secretary-General on the implementation of the decision of the Council adopted in 2018 relating to the reports of the Chair of the Legal and Technical Commission (item 10 of the agenda)

10. The Council will resume its consideration of this standing item, on the basis of an update on the work the Secretary-General reported to the Council at the first part of the session (see [ISBA/25/C/12](#) and [ISBA/25/C/13](#)). The update report is contained in document [ISBA/25/C/12/Add.1](#).

VII. Draft Regulations on exploitation of mineral resources in the Area (item 11 of the agenda)

11. During the first part of the session, the Council, in informal setting, the Council continued its consideration as a matter of priority of the draft exploitation regulations with a view to providing guidance for the Commission in its review of the draft Regulations. At the end of its March 2019 session, the Commission issued a set of revised draft regulations for the consideration of the Council ([ISBA/25/C/WP.1](#)), together with a commentary ([ISBA/25/C/18](#)).

12. Bearing in mind the roadmap towards the adoption and approval of the Regulations ([ISBA/23/C/13](#), Annex), the revised indicative programme of work for the second part of the session has been prepared with a view for the Council to carry out a first reading of the document by considering section by section the draft regulations on exploitation of mineral resources in the Area as contained in [ISBA/25/C/WP.1](#).

13. In respect of the development of a payment mechanism, an open-ended informal working group of the Council in respect of the development and negotiation of the financial terms of a contract met in Kingston from 21-22 February 2019 under the chairmanship of the outgoing President of the Council, H. E. Olav Myklebust. Subsequently, Ambassador Myklebust presented a report to the Council, which decided to request the working group to hold a second meeting to make further progress on the

payment mechanism. This meeting has been scheduled to take place from 11-12 July 2019. A briefing note by the Chair of the working group, a provisional agenda and indicative programme of work along with a set of options regarding the payment mechanism will be made available on the Authority's website.

14. Additionally, the secretariat of the Authority and the secretariat of the International Maritime Organization are finalizing a study and matrix on the competencies of the Authority and the IMO in the context of activities in the Area. The matrix and study will be placed soon on the Authority's website for information purposes and as background information to assist the Council in its review of the draft regulations.

VIII. Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-fifth session (item 12 of the agenda)

15. The Council will be presented with the report of the Chair of the Legal and Technical Commission ([ISBA/25/C/19](#) and its addendum to be issued at the end of the Commission's July meetings) and may adopt a decision on matters raised in that report which will cover the two parts of the twenty-fifth session of the Commission.

IX. Report of the Finance Committee (item 13 of the agenda)

16. The Council will also consider the report of the Finance Committee, and make such recommendations to the Assembly as may be necessary.

X. Report on matters relating to the Enterprise (item 14 of the agenda)

17. Following two contributions made to the voluntary trust fund for the work of the Special Representative of the Secretary-General of the International Seabed Authority for the Enterprise and as requested by the Council in its decision of 1 March 2019 (see ISBA/25/C/16, OP. 6), the terms of reference of the Special Representative were renewed subject to the availability of requisite funds.

18. In accordance with that decision, at the July session, the Special Representative of the Secretary-General for the Enterprise will provide an oral report to the Council on the status of negotiations with the Government of Poland regarding the latter's proposal to form a joint venture with the Enterprise.

19. In accordance with that same decision, the Secretary-General invited the Special Representative to participate in the workshop on the development of standards and guidelines (Pretoria, South Africa, 13-17 May 2019) to support the implementation of the exploitation regulations. Likewise, arrangements have been made for the participation of the Special Representative of the Secretary-General for the Enterprise in the discussions of the draft regulations on exploitation. This will provide the Special Representative an opportunity to brief the Council on its activities in relation to the draft Regulations, in line with the Council decision of 1 March 2019.

Operationalization of the Enterprise

20. As regards to the operationalization of the Enterprise, the Council will recall that this question has been placed on the agenda of the Legal and Technical Commission upon its request. In March 2018 the Commission endorsed the terms of reference for a study on the operationalization of the Enterprise. A draft of the study was made available to the Commission in March 2019. An advance unedited text will soon be placed on the Authority's website. The study, which will be issued as a technical study, is expected to be released in the course of July.

XI. Issues relating to the election of members of the Legal and Technical Commission (item 15 of the agenda)

21. Last year, the Council taking note of a report of the Secretary-General on the election of members of the Commission (ISBA/24/C/14) decided to include in this year's agenda of the Council the question of the election of members of the Commission in view of the forthcoming election of members of the Commission in 2021.

22. For consideration of this item, the Council is invited to recall that on 22 July 2016, at its twenty-second session, the Council adopted a decision relating to the election of members of the Commission (ISBA/22/C/29). In particular, the Council decided that, no later than the twenty-fifth session of the Authority, the Council would reach a clear and binding decision on a process to govern the next election of members to the Commission by the Council at its twenty-seventh session (in 2021).

23. The Council also requested the Secretary-General to prepare a report in which he would identify the ideal size of the Commission and propose a mechanism to ensure that future elections would be undertaken in a manner that better took into account all the considerations set out in the second preambular paragraph of the decision of 22 July 2016, including equitable geographical representation (see ISBA/23/C/2). In the report of the Secretary-General which was considered by the Council in 2017, it was suggested that one way to improve the process for future elections would be for the Council to make a decision as to the size of the Commission to be elected the year preceding the election, that is in 2020. In the event that nominations would exceed the availability of places, the Council, following its decision on the nomination of candidates (ISBA/13/C/6), would elect the agreed number of members by voting in accordance with rules 56 and 77 of its rules of procedure. In that regard, the Council reiterated the importance of strictly following the agreed procedures on nominations for future elections (see ISBA/13/C/6) and that no late candidacies would be accepted. Regarding the way to improve the balance of expertise, one suggestion that was made is to provide details on the required areas of expertise or specialties in the letter from the Secretary-General to member States inviting the nomination of candidates. The Council is invited to consider these matters further.

XII. Dates of the next session (item 17 of the agenda)

24. Members of the Council will be informed of the dates of the twenty-sixth session of the Authority.

Kingston
31 May 2019