



Assembly

Distr.: General
18 August 2017

Original: English

Twenty-third session

Kingston, 7-18 August 2017

Agenda item 9

Consideration of the final report of the Committee established by the Assembly to carry out a periodic review of the international regime of the Area pursuant to article 154 of the United Nations Convention on the Law of the Sea

Decision of the Assembly of the International Seabed Authority relating to the final report on the first periodic review of the international regime of the Area pursuant to article 154 of the United Nations Convention on the Law of the Sea

The Assembly of the International Seabed Authority,

Recalling article 154, part XI, of the United Nations Convention on the Law of the Sea,¹

Recalling also its decision of 24 July 2015, at the twenty-first session of the International Seabed Authority,² to establish a Review Committee to carry out the first periodic review of the international regime of the Area pursuant to article 154 of the Convention,

Recalling further its decision of 21 July 2016, at the twenty-second session of the Authority, regarding the interim report before it at that session, the comments of the Review Committee, the Legal and Technical Commission, the Finance Committee and the secretariat, as well as the observations made in the Assembly,³

Taking note of the final report submitted by the Review Committee on the first periodic review of the international regime of the Area pursuant to article 154 of the Convention, transmitted by the Chair of the Review Committee in a letter dated 3 February 2017,⁴ the oral report by the Chair of the Review Committee, and the deliberations of the Assembly in respect thereof under agenda item 9,

Expressing its appreciation to the Review Committee for its final report,

¹ United Nations, *Treaty Series*, vol. 1833, No. 31363.

² ISBA/21/A/9/Rev.1.

³ ISBA/22/A/11.

⁴ ISBA/23/A/3.



A

Approves the final report on the periodic review of the International Seabed Authority pursuant to article 154 of the United Nations Convention on the Law of the Sea, as contained in the annex to the letter;⁴

B

Invites States parties sponsoring activities in the Area, if they have not already done so, to review their respective national legislation to control activities by entities with whom they have entered into contracts for exploration, drawing on the advisory opinion of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea;

C

1. *Emphasizes* the importance of the finance provisions in the rules and regulations of the Authority, in connection with the regime of benefit-sharing, being developed in a transparent manner, bearing in mind special consideration for the needs of developing States;

2. *Also emphasizes* the importance of universal participation in the course of the development of rules and regulations on deep-sea mining, in particular the participation of developing States;

3. *Decides* that the appointment of an Interim Director-General of the Enterprise would not be advisable at the present time;

D

1. *Endorses* the revised schedule of meetings for 2018 and 2019, as proposed by the Secretary-General, recognizing the increased workload of the Authority at this time, and underscoring the importance of timely preparation and distribution of documents and other materials to be discussed at the respective meetings;

2. *Authorizes* the Secretary-General to make appropriate arrangements to accommodate the revised schedule of meetings, within the existing budgetary resources for conference services;

3. *Requests* 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, and to report regularly to the Assembly on the status of the fund;

4. *Encourages* member States, observers and other stakeholders to contribute financially to the voluntary trust fund;

E

1. *Requests* the Secretary-General, in view of the importance of a long-term plan defining the strategic direction and aims of the Authority, to submit a draft strategic plan to the Assembly for consideration at its twenty-fourth session, in 2018, and to regularly inform member States on progress with respect to this plan;

2. *Also requests* the Secretary-General to continually update, as necessary, the compilation of the relevant national laws, regulations and administrative measures of sponsoring States with respect to activities in the Area;

3. *Further requests* the Secretary-General to provide the Council with a comparative study of the existing national legislation with a view to deriving common elements therefrom before the end of 2018;

4. *Encourages* the Secretary-General to ensure adequate funding with respect to his efforts and that of his staff to implement a database, in the light of the importance of better data management and data-sharing mechanisms, including a review of the quality and consistency of the data gathered, and urges the contractors to work with the Secretary-General in a review of the quality and consistency of the data gathered and to fill gaps in data coverage;

5. *Requests* the Secretary-General to continue his ongoing review of the required skills and available expertise within the secretariat as a matter of priority, and to factor such needs into the next budget cycle;

F

1. *Requests* the Legal and Technical Commission and the Council to consider requiring, within the context of the development of a regulatory framework for exploration and exploitation, that new contracts, including all extensions, be prescriptive, with standard terms and conditions and detailed plans of work that set clear objectives and can be monitored and enforced;

2. *Requests* the Secretary-General to continue his initiative of providing meaningful feedback to contractors, including the holding of more regular meetings of the contractors in Kingston, as well as through direct bilateral contacts at the technical level;

3. *Encourages* the Secretary-General to enhance coordination and co-operation with other relevant international organizations and stakeholders, taking into account the rights of the sponsoring States and contractors;

4. *Welcomes* the initiative of the Secretary-General to establish a Contract Management Unit to streamline internal processes, including processes relating to the submission of reports by contractors;

5. *Requests* the Secretary-General to explore, with the Legal and Technical Commission and with contractors, additional measures to improve efficiencies in the current process for reviewing annual reports and plans of work;

6. *Also requests* the Secretary-General to present a report on the status of all contracts, at least once every five years;

G

1. *Emphasizes* the importance of the sharing and accessing of environmental data, and encourages the Legal and Technical Commission to continue its practice of setting up working groups dealing with particular areas of expertise and giving consideration to establishing a working group dealing with environmental issues;

2. *Requests* that the Legal and Technical Commission continue to address the question of the operationalization of the Enterprise as an important matter in the light of developments with respect to deep-sea mining;

3. *Requests* the Council to consider the current and expected increase in the role and workload of the Legal and Technical Commission and to reflect on the balance of expertise and required areas of specialization within the Legal and Technical Commission, and requests the Secretary-General to provide relevant details in a letter to States parties for the purpose of inviting the nomination of

candidates, taking into account that the Council will further consider the joint proposal submitted by the African Group and GRULAC⁵ on the matter of the election of the Legal and Technical Commission prior to the next election, and no later than at the twenty-fifth session of the Assembly;

4. *Encourages* the Legal and Technical Commission to hold more open meetings in order to allow for greater transparency in its work;

H

1. *Emphasizes* that the highest importance must be attached to the implementation of the Authority's mandate to promote and coordinate marine scientific research in the Area and to disseminate related knowledge for the benefit of all States parties, in particular for developing States;

2. *Encourages* the Secretary-General to consider how to engage more extensively with the scientific community and deep-sea science projects and initiatives related to the Area, including by seeking to leverage extrabudgetary funds to engage with the scientific community and support relevant initiatives;

3. *Affirms* that non-confidential information, such as that relating to the protection and preservation of the marine environment, should be shared widely and be readily accessible.

*170th meeting
18 August 2017*

⁵ ISBA/23/C/CRP.1.