



Issue 10: SEPTEMBER 2017

Draft Regulations on Exploitation of Mineral Resources in the Area

During the twenty-third Session, the Secretariat released a consolidated set of *Draft regulations on exploitation of mineral resources in the Area* ([ISBA/23/LTC/CRP.3*](#)) together with a list of questions ([ISBA/23/C/12](#)) for comment by stakeholders.

The 107-page draft consists of 14 parts which include exploitation contracts, environmental matters, contractor obligations, information gathering, review of plans of work, general provisions, administrative fees, inspections, financial terms, enforcement and penalties and settlement of disputes; 10 annexes and three appendices.

The draft regulations take account of stakeholder comments on the working draft exploitation regulations issued by the Legal and Technical Commission in July 2016, together with relevant input flowing from a number of technical workshops held in 2017 relating to environmental management ([ISA Technical Study No. 17](#)) and the development of a payment mechanism and financial terms ([Workshop Report](#))

The draft regulations are more streamlined and concise in their approach.

This follows a number of stakeholder observations that technical and administrative detail is more appropriately dealt with in the respective annexes. Equally, the operationalization of the regulations will be supported through the adoption and development of relevant standards and guidance. This approach facilitates a necessary degree of flexibility in amending guidance in the light of new knowledge and technology developments.

The deadline for stakeholder responses is **20 December 2017**; however, stakeholders are encouraged to submit comments by **17 November 2017** in order to maximise the time available for analysis by the Secretariat.

Responses should be sent to consultation@isa.org.jm, and should include detail regarding stakeholders' organizations and their direct and/or indirect interest in activities in the Area. These responses will be provided to the Commission and the Council for their consideration in March 2018.

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ISA 23rd Session Round Up



L-R: Alfonso Ascencio-Herrera, Deputy to the Secretary-General/Legal Counsel; Michael Lodge, ISA Secretary-General; Eugénio João Muianga, Mozambique, Assembly President; Chris Brown, ISA Secretariat; and Helmut Tuerk, Austria, Review Committee Chair.
Photo by IISD/ENB | Francis Dejon

During the 23rd annual session of the Authority convened in Kingston, Jamaica, from 8 to 18 August 2017, the following priority issues were considered:

- the extension of the exploration contract with India, an application for approval of a plan of work for exploration by Poland,
- the development of the draft Regulations for exploitation of mineral resources in the Area, and
- the final report of the article 154 Review Committee.

Other issues included the reports of the Secretary-General, Chair of the Legal & Technical Commission and the Chair of the Finance Committee.

The President of the Assembly for the 23rd Session was Eugénio João **Muianga** of Mozambique. Vice-Presidents were representatives from China, Jamaica, the Russian Federation and Australia.

The President of the Council for the 23rd Session was Ambassador Ariel **Fernández** of Argentina. Vice-Presidents were representatives from Algeria, Singapore, Poland and the Netherlands.

REVIEW COMMITTEE

Following extensive discussions, informal consultations and oral amendments, the Assembly adopted a decision approving 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. ([ISBA/23/A/3](#) | [ISBA/23/A/5/Rev.1](#) | [ISBA/23/A/13](#)).

EXPLORATION CONTRACTS

On the recommendation by the Legal and Technical Commission, the Council approved an application for the extension of exploration contract for polymetallic nodules by India and an application for approval of a work plan for the exploration of polymetallic sulphides by Poland.

DRAFT EXPLOITATION REGULATIONS

The Draft regulations on exploitation of mineral resources in the Area was made available for comment by stakeholders. [See *Page 1 article*].

REPORT OF THE FINANCE COMMITTEE

Following deliberations on the report ([ISBA/23/A/8/C/10](#)), the Council recommended that the Assembly approve the recommendations.

REPORT OF THE LEGAL & TECHNICAL COMMISSION

Following discussions on the various aspects of the report of the Chair of the Commission - contractor annual reports, training programmes provided by contractors, regulatory activities, guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area, review of the Environmental Management Plan for the CCZ and the ISA data management strategy - the Council took note of the recommendations in its final decision ([ISBA/23/C/18](#)).

Continued on Page [4](#)

Workshop: The Design of Impact Reference Zones and Preservation Reference Zones in the Area

The ISA hosted a workshop on the design of impact reference zones (IRZ) and preservation reference zones (PRZ) in the Area from **27-29 September 2017** in Berlin, Germany.

In his welcome address, Secretary-General Michael Lodge stated that the concept of the IRZs and PRZs had been around for a long time.

“We need to keep in mind that IRZs and PRZs are no more and no less than a tool to be used as part of an environmental monitoring programme. They are not marine protected areas and they are not intended as a vehicle to meet broader conservation objectives.”

“Their legitimacy flows from the recognition of a need for monitoring programmes in accordance with UNCLOS and the ISA Regulations, and through the use of recognized scientific methods for such monitoring. Their spatial and temporal extent should therefore be proportionate to their true function.”

The workshop was a forum for the ISA, its contractors, and scientific and technical experts to exchange information and develop a common understanding of the key elements of reference area design and monitoring principles applicable to contracts for deep-sea minerals. This will help the development criteria for the design and monitoring of these zones in the Area.

IRZs will be used for assessing the effect of each contractor’s activities on the marine environment, whereas in PRZs, there will be no mining activity to ensure representative and stable biota of the seabed in order to assess any changes in the flora and fauna of the marine environment.

Workshop objectives included the development of a reproducible and transparent procedure to: ►describe, categorize and map the contract areas; ►select impact and preservation reference



Workshop Participants

zones; ► deliver baseline information on the selected zones to the ISA and stakeholders; ► perform monitoring of IRZs and PRZs designations, ► perform impact assessments; ► File timely reports on the monitoring activities; and ► guarantee public accessibility to all work and reports.

Liability for Environmental Harm from Activities in the Area



The workshop was held at Marlborough House, London, UK, from 28-29 September 2017 and supported by [CIGI's](#) International Law Research Program with the cooperation of the Commonwealth Secretariat and the International Seabed Authority.

The rules and procedures governing liability for damages arising from mining is a crucial aspect of the development of the Mining Code. Recognizing the importance of liability rules in a responsible exploitation regime, the Legal and Technical Commission identified responsibility and liability as a priority deliverable in the development of the exploitation stage of the deep seabed. A legal working group was established to undertake preliminary scoping work to provide the ISA with an understanding of legal avenues for a liability regime for deep seabed mining.

The workshop focused on identifying and prioritizing legal issues and structuring those issues into a set of deliverables that can constructively contribute to the development of a legal framework.

[Agenda](#) | [Speakers](#) | [Working Group](#) . Photo courtesy of Freedom Kai-Phillips, and text courtesy of [CIGI Online](#).

23rd Session Round Up...

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OBSERVER STATUS

Five organizations were awarded observer status to participate in the work of the Assembly. They are the Secretariat of the Pacific Regional Environment Programme ([ISBA/23/A/INF/1/Rev.1](#)), the International Policy Laboratory of the Massachusetts Institute of Technology ([ISBA/23/A/INF/3](#)), the Center for Polar and Deep Ocean Development ([ISBA/23/A/INF/4](#)), the International Marine Minerals Society ([ISBA/23/A/INF/5](#)) and the Institute for Advanced Sustainability Studies ([ISBA/23/A/INF/6](#)).

REPORT OF THE PRESIDENT OF THE ASSEMBLY

The Assembly considered (a) the annual report of the Secretary-General; (b) recommendations of the Finance Committee; (c) amendments to the staff regulations; (d) report of the Credentials Committee; (e) approved the final report of the Review Committee; (f) endorsed the

revised meeting schedule for 2018-2019; (g) approved the revised staff regulations; (h) elected Morocco to fill a vacancy in the Council; (i) requested the Secretary-General to define a strategic plan in 2018; (j) establish a voluntary trust fund to defray participation costs from Council members from developing countries; and (k) encouraged universal participation in developing the exploitation regulations.

REPORT OF THE PRESIDENT OF THE COUNCIL

The Council considered: (a) the report on the status of national legislation relating to deep seabed mining; (b) report on the implementation of the 2016 Council decision relating to the Commission; (c) report of the Chair of the Commission; (d) report of the Finance Committee; (e) revisions to the staff regulations; (f) draft regulations for exploitation of mineral resources in the Area; and (g) report on the election of members of the Commission.



ISA 23rd Session, July 31-August 18, 2017.



BGR Contractor Training

In July 2017, the Federal Institute for Geosciences and Natural Resources of the Federal Republic of Germany (BGR), called for applications for **two (2)** at-sea training places for candidates from developing States within its [2018 training programme](#), in accordance with its exploration contract for polymetallic nodules with the ISA.

The training is divided into two stages:

Part 1 - At-Sea training, research cruise onboard the Research Vessel "SONNE" in the Pacific Ocean. The cruise is planned for April/May 2018 (for approximately 30 working days plus 23 days of transit); and

Part 2 - A four-week post-cruise training at BGR, Hannover.

Candidates must meet the following requirements:

1. Education: a bachelor/master degree in the areas of marine geosciences, geophysics, biology, oceanography or an equivalent educational background;

2. Work experience: At least one year practical experience in the candidate's field of specialization;
3. Language: a sound knowledge of English attested by a certificate;
4. Health: have a good mental and physical health, suitable to work at sea; and
5. Recommended: seagoing experience (seaworthy).

The selected candidates will be required to sign a confidentiality agreement with BGR and also submit a report on the outcome of their training to BGR and the ISA.


One of the Voluntary Commitments made by the ISA at the UN Ocean Conference 2017 was "Enhancing the role of women in marine scientific research through capacity-building"; therefore applications from suitably qualified females were strongly encouraged.

The closing date for applications was [25 September 2017](#). A total of 60 applications (43 males/17 females) were received and are now going through the selection process by the Legal and Technical Commission. The results will be posted online.

Contractor Training Programme Update


As at August 2017, China Ocean Mineral Resources Research and Development Association (COMRA), the Ministry of Oceans and Fisheries of the Republic of Korea, the Federal Institute for Geosciences and Natural Resources of Germany (BGR), Japan Oil, Gas and Metals National Corporation (JOGMEC) and the Russian Federation have submitted training proposals to the Secretariat.

 The [COMRA](#) training commenced in September 2017 at Sun Yat-sen University in Guangzhou City. ISA received 41 applications (25 from the African Group, 7 from the Asia-Pacific Group, 1 from the Eastern European Group, 5 from the Latin American and Caribbean Group, 2 from the Western European and other States Group and 1 from an observer State - 13 women and 28 men). The selected candidates were Md. Bazlar **Rashid** of Bangladesh, Mariana **Benites** of Brazil and Gor **Gevorgyan** of Armenia.

 The [Republic of Korea](#) at-sea training was planned between June and August 2017 for about 30 days. ISA

received 28 applications (18 from the African Group, 5 from the Asia-Pacific Group, 1 from the Latin American and Caribbean Group, 2 from the Western European and other States Group, 1 from an observer State and 1 incomplete - 6 women and 22 men). The selected candidates were Leslee **Salzman** of South Africa and Arthur Wilfred Balla **Essomba** of Cameroon.

 The [BGR](#) at-sea training programme will be for a duration of approximately three months and is planned between 21 August and 13 October 2017. ISA received 18 applications (10 from the African Group and 8 from the Asia-Pacific Group - 5 women and 13 men). The selected candidates were Eric Arthur **Mensah** of Ghana, Sumran **Praphat** of Thailand, Alyaa A.M. **Zidan** of Egypt and Thomas **Whiddon** of the Cook Islands.

 The [JOGMEC](#) at-sea training programme is for a duration of approximately 40 days, between May and June 2018. ISA received 39 applications (11 from the African Group, 17 from the Asia-Pacific Group, 10 from the Latin American and Caribbean Group and 1 from the

Western European and other States Group - 10 women and 29 men). The selected candidates were Franco Eduardo **Pugliese** of Argentina, Soe Moe **Aung** of Myanmar, Judith **Owusu** of Ghana and Hank **Hedge** of Jamaica

 The [Russian Federation](#) training programme offered five places under two separate training programmes through its contracts for polymetallic nodules and polymetallic sulphides. Training is scheduled to be held between October 2017 and January 2018. ISA received 45 applications (25 from the African Group, 10 from the Asia Pacific Group, 9 from the Latin American and Caribbean Group and 1 from an observer State - 15 women and 30 men). The selected candidates were Natasha **Stanton** of Brazil, Joseph **Aisakbokhae** of Nigeria, Nuengruethai **Phornlam** of Thailand, MD **Sheik** of Bangladesh and Moses **Adeoye** of Nigeria.

The selection of candidates by the Legal and Technical Commission is based on the qualification criteria provided by each contractor for their respective training programmes.

Protocol



Mr Lee Young-gyu, chargé d'affaires ad interim of the Embassy of the Republic of Korea presented his credentials to Secretary-General, Michael Lodge, as the new Permanent Representative of the Republic of Korea to the International Seabed Authority on Wednesday, 20 September 2017.

Prior to his appointment, Mr Young-gyu was Counsellor and Consul General at the Korean Embassy in South Africa. He joined the Foreign Service in 1986 and has also travelled on diplomatic postings to Vietnam and Brazil.

In his meeting with the Secretary-General, Mr Young-gyu said the Republic of Korea looked forward to working with the Authority.

The Secretary-General noted the Republic of Korea's long-standing contribution to the work of the Authority as a member of the Council in Group B, as well the Authority's collaboration with KIOST as a contractor for exploration for polymetallic nodules and polymetallic sulphides. In this regard, the Authority was looking forward to the signature of the third exploration contract with the Republic of Korea, for cobalt-rich crusts, which had been approved by the Council in 2016.



Mr Lee Young-gyu and Secretary-General Michael Lodge

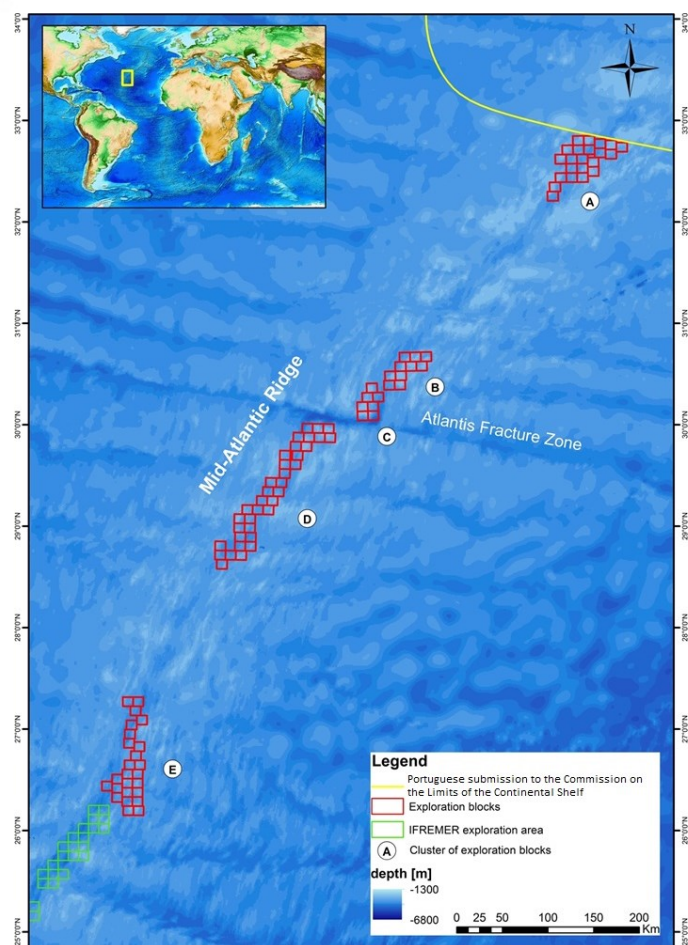
Poland to Sign Exploration Contract with ISA in October

ISA Council Approves Poland Application for Exploration Contract for Polymetallic Sulphides in the Mid-Atlantic Ridge

At its 225th meeting of the 23rd Session, the Council, acting upon the recommendation of the Legal and Technical Commission approved the plan of work for exploration by the Government of Poland ([ISBA/23/C/11](#)) and has requested the Secretary-General to issue the plan of work for exploration for polymetallic sulphides in the form of a contract between the Authority and the Government of Poland.

The exploration area is 10,000 km² in size and lies within the limits of two large segments of the Mid-Atlantic Ridge, located between the Hayes, Atlantis and Kane transforms faults/fracture zones. The area consists of 100 exploration blocks of 10 km² each.

The exploration contract will be signed by the ISA and the Republic of Poland Ministry of Environment on October 16 in Warsaw, Poland.



ISA Assembly Hears Article 154 Review Committee Chair Presentation; Approves Final Report

In July 2015, the Assembly of the Authority agreed to undertake a review of the manner in which the Authority has operated in practice since its establishment, to be carried out under the guidance of a Review Committee, chaired by Ambassador Helmut Tuerk of Austria.

The review approach by the consultant who assisted the Review Committee involved an organizational assessment model of performance based on key drivers and the conduct of structured interviews with key stakeholders and representatives of member States. An interim report was submitted in July 2016 followed by the final report at the 23rd Session in 2017.

In August 2017, Ambassador Helmut Tuerk presented the final report ([ISBA/23/A/3](#)), noting that the Review Committee had reached consensus on all recommendations.

He emphasized that the Committee had thoroughly analyzed, streamlined and rationalized the consultant's recommendations within the parameters of the Convention and the Part XI Agreement.

To assist the Assembly in its consideration of the final report by

the Review Committee, the Secretary-General presented a report providing responses ([ISBA/23/A/5/Rev.1](#)) to the Committee's recommendations including those that have been acted upon.

Some highlights from his report included (a) the need for a strategic plan; (b) a more substantive workload for the Assembly and a revised schedule to tackle the problem of low participation at the meetings; (c) a revised meeting schedule to include two Council meetings per year, within existing budgetary provisions; (d) the need to streamline the review of contractors' reports, due to the Commission's work overload; and (e) priority to adding environmental policy expertise in the Secretariat, for consideration by the Council in the next budgetary cycle.

The decision of the Assembly relating to the final report is in [ISBA/23/A/13](#).

The Review Committee Chair, Ambassador Tuerk, stated that the decision faithfully reflected the Review Committee's recommendations and was "a great step forward in ISA's history."



Ambassador Helmut Tuerk was Chair of the members and observers of the Review Committee that undertook the first periodic review of the international regime of the Area under article 154 of the LOSC during the two-year period that led to the decision of the Assembly to adopt the final report in 2017.

In his farewell statement to the Assembly, Ambassador Tuerk said the conclusion of the article 154 review marked the end of his personal active participation in law of the sea matters after 44 years. He was a member of the UN Seabed Committee in 1973, for a number of years in the Third United Nations Conference on the Law of the Sea and later the Preparatory Commission on the establishment of the International Seabed Authority and the International Tribunal for the Law of the Sea (ITLOS). He has served as President of a States Parties Meeting, a Judge and Vice-President ITLOS. He served as Chair of the Credentials Committee for more than a decade and two years ago as President of the Assembly and as Chair of the Review Committee.

[Full Statement](#)

Through the eyes of an Intern by Amber Cobley



Amber Cobley is a master's graduate of marine biology and oceanography, and a PhD researcher of biodiversity and environmental regulation of deep-seabed mining habitats at the Natural History Museum, London and the University of Southampton, UK. Her internship was facilitated by the Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland, and funded by the UK Natural Environment Research Council (NERC) PhD researcher policy placement scheme.

Being an intern at the ISA really is throwing yourself in at the deep end...if you will excuse the pun. You become part of a true hub of diversity, both geographically and by expertise. Arriving with just your narrow specialism, you leave with your knowledge-base truly expanded and personal experience enriched.

I arrived at the Office of Environmental Management and Mineral Resources of the ISA as a PhD researcher, studying biodiversity and environmental management of habitats targeted for deep-seabed mining, but will leave, having gained an understanding of how the ISA operates and how global expertise can be applied in practice. From attending the Council and working with the Office of Legal Affairs, to preparing for environmental workshops and engaging with database managers, the diversity of disciplines you encounter here and learning how they work together, really is one of the most invaluable experiences as a young researcher or professional. Leaving with a greater appreciation of the multidisciplinary nature of the regulation of deep-seabed mining is something that will certainly help to shape my future career.

To date, I have been here 2 ½ months, met 8 interns, and not one of us has been from the same country, or expertise! The more informal setting of sharing an office as a team of interns, allowed us to tutor each other through aspects of our internships outside of our personal expertise. This enabled us to output work of a more well-rounded nature. It also allowed us to form connections for the future and ultimately, but no less importantly, many friendships, which grew from sharing stories of each other's countries and experiencing the beautiful adventures Jamaica has to offer, outside of work, on the weekends. I know we will stay in touch and there are already trans-Atlantic journeys planned for a reunion in the future!

Personally, I am part of the next generation of environmental scientists, where it is important for us to continue to close the gap between science and regulation. I would encourage anyone like myself, wanting to broaden their research horizons beyond pure science, to look into an internship at the ISA. The proactive, welcoming nature of ISA staff and the people of Jamaica, have made my experience here one I will never forget. I would like to take the opportunity to thank all the staff and my fellow interns that made it so. I certainly hope to return one day to this vibrant country.

GSR Presents Nodule for ISA Exhibit

On 28 September 2017, Secretary-General Michael Lodge visited the corporate headquarters of DEME, parent company of Global Sea Mineral Resource NV (GSR) in Antwerp, Belgium.

During his visit, he was presented with a polymetallic nodule recovered from the Clarion-Clipperton Zone by GSR Managing Director, Kris van Nijen, and DEME CEO, M. Alain Bernard. The nodule was collected from the GSR contract area in May 2017. Mr Lodge also met with the GSR board to discuss regulatory matters and updates on GSR activities. He also attended the launching ceremony for DEME's new LNG dredger, 'Scheldt River'.



L-R: Kris van Nijen, Michael Lodge and Alain Bernard

Calendar

SEPTEMBER

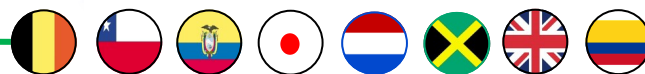
- 27-29 ISA Workshop on the Design of Impact Reference Zones and Preservation Reference Zones in the Area, Berlin
- 28-29 Workshop on Liability Issues, London

OCTOBER

- 16 Signing of 15-year Exploration Contract with Poland, Warsaw

NOVEMBER

- 22-23 Promoting a Blue Economy - Making the Best Use of Opportunities from Seas and Oceans, Dhaka, Bangladesh
- 27 Signing of Extension of Agreement of Exploration Contract with Ifremer, Paris



Internships @ ISA

The Authority enjoyed the assistance of eight interns during the July/August 2017 period. The interns from Belgium, Chile, Ecuador, Jamaica, Japan, Norway and the United Kingdom were attached to the Office of Legal Affairs and the Office of Environmental Management and Mineral Resources and were part of the Secretariat team at its 23rd session. Six of the interns have completed their internship, while two (Amber Cobley of the United Kingdom and Christian Diaz Sanchez of Colombia) will complete theirs in September and November respectively. Three other interns, Camilla Tola of Italy, Celina Ampah of Germany and Knut Knapskog of Norway also joined the ISA in September for a 2-3 month internship stint with its Office of Legal Affairs.

The Authority's [Internship programme](#) is open to young government officials and students specializing in fields relevant to the work of the ISA. It provides a framework which allows these students and young government officials from diverse academic backgrounds to gain exposure to the work and functions of the ISA, to enhance their educational experience and gain knowledge of the work of the Authority.



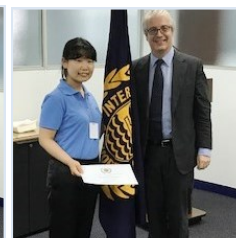
Secretariat staff and Interns at #ISBAHQ



David Garzon Pico, Ecuador



Gabriela Romero, Chile



Kanae Komaki, Japan



Katarina Hovden, Norway



Sandrine De Herdt, Belgium



Cheyne Howell, Jamaica

New Publications

1. Towards an ISA Environmental Management Strategy.
ISA [Technical Study No. 17](#)
2. Towards an ISA Environmental Management Strategy.
ISA [Briefing Paper 01/2017](#)
3. Dialogue on Practical Utility of EIA Technology.
ISA [Briefing Paper 02/2017](#)
4. Contribution of the International Seabed Authority to the UN Ocean Conference.
ISA [Briefing Paper 03/2017](#)
5. Marine Mineral Resources of African's Continental Shelf.
ISA [Briefing Paper 04/2017](#)



ISA 24th Session 2018

The 24th Session of the Authority will be held in two parts in 2018. The dates for the **first part** are 5-9 March for Council and 12-23 March for the Legal & Technical Commission. The dates for the **second part** are: 2-13 July for the Legal and Technical Commission; 2-6 July for the Finance Committee; 16-20 July for the Council and 23-27 July for the Assembly. The schedule was developed after extensive consultations, with member States, the host Government and conference-servicing staff.

The digital newsletter is also available on our [website](#).

Opinions expressed in this publication are not necessarily those of the Authority. Neither does the mention of any firm or licensed process imply endorsement by the Authority.

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New Acquisitions at the Satya Nandan Library

- Biological Sampling in the Deep Sea/ Malcolm R. Clark. Wiley-Blackwell, 2016.
- The International Law of the Sea, 2nd Ed./ Donald R. Rothwell, Tim Stephens. Hart Publishing, 2016.
- The International Law of the Sea/ Yoshifumi Tanaka. Cambridge University Press, 2015.
- The IMLI Manual on International Maritime Law Volume III: Marine Environmental Law and Maritime Security Law/ David Attard. Oxford University Press, 2016.
- International Maritime Boundaries. Vol. VII/ Coalter Lathrop. Brill, 2016.
- The International Seabed Authority and the Precautionary Principle: Balancing Deep Seabed Mineral Mining and Marine Environmental Protection/ Aline L. Jaekel. Brill, 2017.
- Marine Benthos: Biology, Ecosystem Functions and Environmental Impact / Rafael

- Riosmena. Nova Science, 2016.
- Navigational Restrictions within the New Los Context /Alexander M Lewis. Brill, 2017.
- The Oxford Handbook of the Law of the Sea/ Donald R. Rothwell, et al., OUP, 2015.
- Routledge Handbook of National and Regional Ocean Policies/ Biliiana Cicin-Sain. Routledge, 2015.
- The Sea Floor: An Introduction to Marine Geology / Eugen Seibold. Springer, 2017.
- Springer Handbook of Ocean Engineering/ Manhar R. Dhanak, Nikolas I. Kiros. Springer, 2016.

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