



International Seabed Authority
26th Session
2021

Information Note on matters for consideration by the Council of the International Seabed Authority during the resumed Twenty-Sixth Session of the Authority

Kingston, Jamaica

A. Introduction

1. The purpose of this note is to inform members and observers of the International Seabed Authority on matters for consideration by the Council of the International Seabed Authority at its forthcoming in-person meeting which is scheduled to be held from 6 to 10 December 2021 at the Jamaica Conference Center, Kingston (Jamaica). Under the presidency of Rear Admiral Khurshed Alam (Bangladesh), the Council will meet in-person in a reduced format to conclude the work on the revised agenda of the Council for the twenty-sixth session ([ISBA/26/C/1/Rev.1](#)) which opened at the last in-person meetings of the Council in February 2020.
2. This note briefly describes the items of the revised agenda of the Council for consideration at its December meetings. The revised agenda, the indicative programme of work and all official documents prepared for the upcoming meetings have been placed on the Authority's website. This will continue to be updated as more documents become available. It should be noted that the reduced format of the meeting and associated COVID protocols will not allow for the resumption of negotiations on the text of the Draft Regulations on exploitation of mineral resources in the Area. The December meetings will instead provide an opportunity for the Council to focus its attention on taking decisions on pending items on its agenda which require action before the end of the twenty-sixth session.
3. A separate note will address modalities for the in-person meetings including on COVID protocols.

Resuming of the session (item 1 of the revised agenda)

4. At the resuming of the session, the President of the Council, Rear Admiral Khurshed Alam (Bangladesh), will present to the Council for consideration a draft decision taking note of decisions adopted under silence procedure in 2020 and in 2021 (see [ISBA/26/C/L.14](#)).

Report of the Secretary-General on the credentials of members of the Council (item 5 of the revised agenda)

5. The Secretary-General will provide orally a report on the credentials of members of the Council. A separate note for delegations on the issue of credentials for the twenty-sixth session will be prepared in due course.

Issues relating to the election of members of the Legal and Technical Commission (item 6 of the revised agenda)

6. At its last in-person meeting in February 2020, the Council adopted a decision relating to the election in 2021 of members of the Legal and Technical Commission (ISBA/26/C/9) and decided to consider the question of the composition of the Commission as a matter of priority at its next meeting, with a view to taking a decision on the future elections of members of the Commission (which will now take place in 2022). As requested by the Council in that decision, the Secretary-General prepared a report, which includes the views of the Legal and Technical Commission regarding its assessment of the current and future needs for specific areas of expertise (ISBA/26/C/14).
7. Further, the Council will discuss the Facilitator's amended draft on a mechanism for the election of members of the Legal and Technical Commission which he prepared in accordance with the decision of the Council (ISBA/26/C/20, annex).

Election to fill a vacancy on the Legal and Technical Commission in accordance with article 163, paragraph 7, of the United Nations Convention on the Law of the Sea (item 7 of the revised agenda)

8. Following the demise of Mr Wakdikar (India) 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 his term ending on 31 December 2022. One candidate, Mr Sethuraman Ramesh, has been nominated by the Government of India (ISBA/26/C/45).

Status of contracts for exploration and related matters (item 8 of the revised agenda)

9. To assist the Council in its consideration of this regular item on its agenda, three reports have been prepared (ISBA/26/C/4/Add.1, ISBA/26/C/41 and 42). These provide an update on the status of contracts for exploration, periodic reviews of implementation of approved plans of work and relinquishments of areas under exploration contract. The Council is invited to take note of the information provided in those reports.

Report of the Secretary-General on the status of national legislation relating to deep seabed mining and related matters (item 9 of the revised agenda)

10. As a standing item, the Council will consider the report of the Secretary-General on the status of national legislation relating to deep seabed mining (see ISBA/26/C/19). The Council is invited to take note of the information provided in that report.

Applications for extensions of contracts in accordance with the procedures and criteria for the extension of an approved plan of work for exploration (item 10bis of the revised agenda)

11. The Council will consider seven applications for a five-year extension of exploration contracts. These are from Interoceanmetal Joint Organization, JSC Yuzhmorgeologiya, the Government of the Republic of Korea, China Ocean Mineral Resources Research and Development Association, Deep Ocean Resources Development Co. Ltd., Institut français de recherche pour l'exploitation de la mer and Federal Institute for Geosciences and Natural Resources ("BGR").
12. The Council will consider these applications in accordance with paragraphs 11 and 12 of section 3 of the Annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. This is implemented by section 3.2 of the standard clauses contained in Annex IV of the three sets of Regulations on prospecting and exploration and by the Decision of the Council of 23 July 2015 relating to the procedures and criteria for the extension of an approved plan of work for exploration pursuant to section 1, paragraph 9, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (ISBA/21/C/19*).
13. The Council will consider the recommendations for approval of the seven applications which the Legal and Technical Commission made to the Council after reviewing them during its virtual meetings held from 22 to 25 March 2021. The reports and recommendations of the Commission are contained in documents ISBA/26/C/31 to ISBA/26/C/37.
14. Upon approval by the Council, a contract is to be extended by the execution by the Secretary-General and the authorized representative of the Contractor of an agreement in the form set out in Annex II of the Decision of the Council of 23 July 2015. The terms and conditions applicable to the contract during the extension period are the terms and conditions in force as at the date of the extension, pursuant to the relevant regulations. To assist the Council, the Secretariat has prepared the respective draft decisions (see ISBA/26/C/L.7 to L.13).

Report of the Secretary-General on the implementation of the decision of the Council in 2019 relating to the reports of the Chair of the Legal and Technical Commission (item 11 of the revised agenda)

15. In February 2020, the Secretary-General presented a report to the Council on the progress made in implementing the decision of the Council in 2019 (ISBA/25/C/37) relating to the reports of the Chair of the Legal and Technical Commission under symbol ISBA/26/C/3. Two addenda have been prepared in documents ISBA/26/C/3/Add.1 and Add.2 to update on progress. The Council is invited to take note of the information provided in those documents and to provide guidance as necessary.

Draft Regulations on exploitation of mineral resources in the Area (item 12 of the revised agenda)

Consideration of the roadmap

16. Due to the reduced format of the meetings in December, limited delegation sizes, and the consequent inability of many delegations to bring technical experts from capital, there will be no negotiations on the text of the Draft Regulations on exploitation of mineral resources in the Area. No meetings are planned for the Informal Working Groups and the Open-ended Working Group in respect of the development and negotiation of the financial terms of a contract under

article 13, paragraph 1, of annex III to the United Nations Convention on the Law of the Sea and section 8 of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.

17. The Council is requested to consider a report on the status of the Draft Regulations including a proposed roadmap for 2022 and 2023, with a view to the adoption of the draft regulations and associated phase 1 standards and guidelines by July 2023 ([ISBA/26/C/44](#)). The Council is invited to review the suggestions outlined in the report, including on the proposed roadmap, schedule of meetings and workplan for the Council in 2022 and 2023 and provide guidance to the Secretary-General.

Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-sixth session (item 13 of the revised agenda)

18. The Council will receive the reports of the Chair of the Commission's on the work carried out during the first part of the meetings (24 February 2020-26 March 2020, see [ISBA/26/C/12](#)), during the second part of the meetings (6 to 31 July 2020, see [ISBA/26/C/12/Add.1](#)) and during the third part of the meetings, the latter to be issued at the end of the Commission's September meetings. As it has become the practice, the Council may adopt a decision on matters raised in those reports.
19. In addition, the Council will be invited to consider a report with the Commission's recommendations to take note of the review of the overall progress in implementing the environmental management plan for the Clarion-Clipperton Zone ([ISBA/17/LTC/7](#)), including the approval of the proposed addition of four areas of particular environmental interests (APEIs) in order to enhance the effectiveness of the network of APEIs (see [ISBA/26/C/43](#)).

Report of the Finance Committee (item 14 of the revised agenda)

20. During a virtual meeting on 23 November 2020, the Council considered the report of the Finance Committee ([ISBA/26/A/10-ISBA/26/C/21](#)). On 24 December 2020, taking into account the recommendations contained in that report, the Council adopted a decision relating to the budget of the Authority for the financial period 2021-2022 (see [ISBA/26/C/26](#)). On 11 March 2021, the Council also adopted a decision relating to the annual overhead charge referred to in section 10.5 of the standard clauses for exploration contracts relating to overhead charges (see [ISBA/26/C/28](#)). At the December meetings, the Council will review remaining matters raised in that report of the Finance Committee. The Council will also consider the report of the Finance Committee on the work carried out during the meetings of the Committee in 2021 ([ISBA/26/A/10/Add.1-ISBA/26/C/21/Add.1 \[forthcoming\]](#)) and make such recommendations to the Assembly as necessary.
21. In addition, the Council will review a report by the Finance Committee on the main elements involved in the formulation of rules, regulations and procedures on the equitable sharing of financial and other economic benefits derived from activities in the Area ([ISBA/26/A/24-ISBA/26/C/39](#)). The Council is invited to consider the report and make such recommendations to the Assembly as may be necessary.

Report on matters relating to the Enterprise (item 17)

22. The Council will review two reports prepared by the Special Representative of the Secretary-General for the Enterprise ([ISBA/26/C/15](#) and [ISBA/26/C/46](#)). The report also reflects on the Commission's recommendation on the appointment of an interim director general for the Enterprise to give effect to the step-by-step approach on the operationalization of the Enterprise, as provided for in the Agreement relating to the implementation of Part XI of the Convention.

Cooperation with other relevant international organizations (item 18)

23. Under this item, the Council is invited to consider for approval the memorandum of understanding between the Authority and the Indian Ocean Rim Association which is in the annex to the note which introduces it ([ISBA/26/C/16](#)).

Dates of the next session (item 19)

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

Report on the implementation of the strategic plan and high-level action plan of the International Seabed Authority for the period 2019-2023 (item 20)

25. The Council will receive an update on the implementation of the strategic plan and high-level action plan of the Authority for the period 2019-2023 ([ISBA/26/A/8-ISBA/26/C/23](#)). The Council is invited to take note of it and to recommend that the Assembly take note of the report.

Kingston, Jamaica, 1 October 2021.