



Selected Decisions and Documents of the Twenty-First Session





SELECTED DECISIONS AND DOCUMENTS OF THE TWENTY-FIRST SESSION

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ASSEMBLY

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Report of the Secretary-General of the International Seabed Authority under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea

I. Introduction

1. The present report is submitted to the Assembly of the Authority pursuant to article 166, paragraph 4, of the 1982 United Nations Convention on the Law of the Sea (“the Convention”). The report provides information on the work of the Authority during the period from July 2014 to June 2015.
2. The Authority is an autonomous international organization established under the Convention and the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea (“the 1994 Agreement”). The Authority is the organization through which States parties to the Convention shall, in accordance with the regime for the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction (“the Area”), established in Part XI of the Convention and the 1994 Agreement, organize and control activities in the Area, in particular with a view to administering the resources of the Area. It does this strictly in accordance with the provisions of the Convention and the 1994 Agreement through a contract-based system, which involves issuing contracts of limited duration to those entities wishing to explore for or exploit minerals in the seabed beyond national jurisdiction.
3. The Authority has a number of specific responsibilities under other provisions of the Convention, such as the responsibility to distribute to States parties to the Convention payments or contributions in kind derived from exploitation of the resources of the continental shelf beyond 200 nautical miles, pursuant to article 82, paragraph 4, of the Convention and the responsibility, under articles 145 and 209, to establish international rules, regulations and procedures to prevent, reduce and control pollution of the marine environment from activities in the Area and to adopt measures to protect and conserve the natural resources of the Area and prevent damage to the flora and fauna of the marine environment.



4. Pending the approval of the first plan of work for exploitation, the Authority is to concentrate on the 11 areas of work listed in paragraph 5 of section 1 of the annex to the 1994 Agreement. In view of the limited resources available to the Authority, the relative priority to be given to each of those areas of work has been dependent on the pace of development of commercial interest in deep seabed mining and the work programme of the Authority has remained largely unchanged since 2004. The main focus is on the following areas:

- (a) Supervisory functions with regard to contracts for exploration;
- (b) Monitoring of trends and developments relating to deep seabed mining activities, including world metal market conditions and metal prices, trends and prospects;
- (c) Development of an appropriate regulatory framework for the future development of the mineral resources of the Area, including standards for the protection and preservation of the marine environment during their development;
- (d) Promotion and encouragement of marine scientific research in the Area through, among other things, a continuing programme of technical workshops, the dissemination of the results of such research and collaboration with contractors and the international scientific community;
- (e) Information-gathering and the establishment and development of unique databases of scientific and technical information, with a view to obtaining a better understanding of the deep ocean environment.

5. As the work of the Authority has progressed, the scope of the work programme has also increased; in particular new areas of work have been identified. During the seventeenth session, the Council had decided to establish an environmental management plan for the Clarion-Clipperton Zone in the Pacific Ocean, taking into account General Assembly resolution 63/111, the discussions in the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction and considering that the implementation of a comprehensive environmental management plan at the regional level is one of the measures required to ensure effective protection of the marine environment of the Area from harmful effects that may arise from activities in it. The environmental management plan for the Clarion-Clipperton Zone, as recommended by the Legal and Technical Commission, was adopted at the eighteenth session, to be implemented over an initial three-year period. It included the designation, on a provisional basis, of a network of areas of particular environmental interest. Similar environmental management plans will also be required in respect of the other minerals for which the Authority has adopted rules, regulations and procedures for prospecting and exploration (polymetallic sulphides and cobalt-rich ferromanganese crusts). With regard to those two minerals, there will also be a need to ensure that standardized taxonomies are established for the mega, macro and meiofauna associated with them.

II. The Area

6. In the Convention, the Area is defined as the seabed and subsoil thereof beyond the limits of national jurisdiction. That means that the establishment of the exact geographic limits of the Area depends on the establishment of the limits of

national jurisdiction, including the delineation of the continental shelf extending beyond 200 nautical miles from the baseline of the territorial sea. For that reason, pursuant to article 84, paragraph 2, of the Convention, coastal States are obliged to give due publicity to charts or lists of geographical coordinates of points and, in the case of those indicating the outer limit lines of the continental shelf, to deposit a copy of such charts or lists with the Secretary-General of the Authority.

7. To date, only five members of the Authority have deposited such charts and lists with the Secretary-General, namely: Australia, Ireland, Mexico, Niue and Philippines. The Secretary-General takes the opportunity to urge all coastal States to deposit such charts or lists of coordinates as soon as possible after the establishment of the outer limit lines of their continental shelf, in accordance with the relevant provisions of the Convention.

8. The Authority also has the responsibility, under article 82, paragraph 4, of the Convention, to distribute to States parties to the Convention payments or contributions in kind derived from exploitation of the resources of the continental shelf beyond 200 nautical miles. It is recalled that, in November 2012, the Authority, in collaboration with the China Institute for Marine Affairs of the State Oceanic Administration of China, convened in Beijing an international workshop on the theme “Further consideration of the implementation of article 82 of the United Nations Convention on the Law of the Sea”. The participants in the workshop recommended, *inter alia*, that further examination of the implementation needs of article 82 would benefit from a study of key terms as they are used in contemporary and industry practices across different jurisdictions. The study would help to identify possible paths for a practical approach and build and deepen understanding of the terminological issues in realistic settings. The secretariat hopes to progress that work in 2015, in order to lay a solid theoretical basis for future action with respect to the implementation of article 82, paragraph 4, of the Convention.

III. Membership of the Authority

9. In accordance with article 156, paragraph 2, of the Convention, all States parties to the Convention are, *ipso facto*, members of the Authority. Since the twentieth session of the Authority, the State of Palestine, has become party to the Convention and the 1994 Agreement. As at 30 May 2015, there were 167 States parties to the Convention and thus 167 members of the Authority (166 States and the European Union). On the same date, there were 147 parties to the 1994 Agreement.

10. On 13 October 2014, Yemen became a party to the 1994 Agreement. However, there are still 20 members of the Authority which became parties to the Convention before the adoption of the 1994 Agreement and which have yet to become parties to the Agreement, namely: Antigua and Barbuda, Bahrain, Bosnia and Herzegovina, Comoros, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Gambia, Ghana, Guinea-Bissau, Iraq, Mali, Marshall Islands, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Somalia and Sudan.

11. As provided by General Assembly resolution 48/263 and the 1994 Agreement itself, the provisions of the 1994 Agreement and Part XI of the Convention are to be interpreted and applied together as a single instrument. In the event of any

inconsistency between the 1994 Agreement and Part XI of the Convention, the provisions of the 1994 Agreement would prevail. Although members of the Authority that are not parties to the 1994 Agreement necessarily participate in the work of the Authority under arrangements based on that Agreement, becoming a party to the 1994 Agreement would remove any incongruity that currently exists for those States.

12. For the above-mentioned reason and at the request of the Assembly, the Secretary-General of the Authority has each year since 1998 circulated a letter to all members in that position, urging them to consider becoming parties to the 1994 Agreement as soon as possible. In the most recent such letter, circulated on 10 March 2015, attention was drawn to operative paragraph 3 of General Assembly resolution 69/245, in which the Assembly called upon all States that had not done so, to become parties to the Convention and the 1994 Agreement, in order to achieve the goal of universal participation. The Secretary-General encourages all those members of the Authority that are not yet parties to the 1994 Agreement to become parties at the earliest possible opportunity.

IV. Permanent missions to the Authority

13. As at 31 May 2015, the following 23 States, in addition to the European Union, maintained permanent missions to the Authority: Argentina, Antigua and Barbuda, Bangladesh, Belgium, Brazil, Cameroon, Chile, China, Cuba, France, Gabon, Germany, Italy, Jamaica, Japan, Mexico, Nigeria, Panama, Republic of Korea, Saint Kitts and Nevis, South Africa, Spain and Trinidad and Tobago.

V. Relations with the host country

14. The relationship between the Authority and the host country is governed by the headquarters agreement between the Authority and the Government of Jamaica, which entered into force on 26 August 1999, and a supplementary agreement regarding the headquarters of the Authority and the use of the Jamaica Conference Centre complex, which entered into force on 2 June 2004.

15. During the reporting period, the secretariat continued its efforts to resolve long-standing problems concerning the poor condition of the air-conditioning units in the headquarters building, which are more than 20 years old, and the inconsistent water supply to the building, as previously reported by the Secretary-General. While the Government of Jamaica has addressed some of those issues, problems remain owing to the ageing of the fabric of the building.

16. Pursuant to the supplementary agreement, the Authority uses the Jamaica Conference Centre complex for its annual sessions. The rental cost for the complex is met from the administrative budget of the Authority, while responsibility for its maintenance and upkeep lies with the Government of Jamaica. Over the past several years, the meetings of the Authority have been adversely affected by persistent problems with the audio systems used for interpretation. While the management of the Conference Centre has made some effort to improve the system, persistent interruptions continued to be experienced during the meetings of the Legal and

Technical Commission held in February 2015. In large part, those problems are caused by ageing infrastructure and are not likely to be resolved by temporary fixes.

17. The Secretary-General wishes to express appreciation for the efforts made by the Government of Jamaica over the past several years to encourage better attendance at the annual sessions by waiving visa requirement for delegates travelling from countries in which Jamaica has no embassy or consulate. The process involves prior clearance with the Ministry of Foreign Affairs and Foreign Trade and is facilitated through the protocol office at the Authority.

VI. Protocol on the Privileges and Immunities of the International Seabed Authority

18. The Protocol on the Privileges and Immunities of the International Seabed Authority was adopted by consensus at the fourth session of the Assembly on 26 March 1998 (see [ISBA/4/A/8](#)). In accordance with article 18 of the Protocol, it entered into force 30 days after the date of deposit of the tenth instrument of ratification, approval, acceptance or accession, on 31 March 2003.

19. The Protocol deals with the privileges and immunities of the Authority in relation to those matters which are not already covered in the Convention (articles 176 to 183) and is based substantially on articles I, II, IV, V, VI and VII of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946. The Protocol, *inter alia*, provides essential protection to representatives of members of the Authority who attend meetings of the Authority or who travel to and from those meetings. It also accords to experts on mission for the Authority such privileges and immunities as are necessary for the independent exercise of their functions, while on mission, and for the time spent on journeys in connection with their mission.

20. As of 31 May 2015, the following 36 members of the Authority were parties to the Protocol: Argentina, Austria, Brazil, Bulgaria, Cameroon, Chile, Croatia, Cuba, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Guyana, India, Ireland, Italy, Jamaica, Lithuania, Mauritius, Mozambique, Netherlands, Nigeria, Norway, Oman, Poland, Portugal, Slovakia, Slovenia, Spain, Togo, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland and Uruguay. A further 12 States have signed the Protocol but have yet to ratify it, namely: Bahamas, Côte d'Ivoire, Ghana, Greece, Indonesia, Kenya, Malta, Namibia, Pakistan, Saudi Arabia, Senegal and Sudan.

21. In an attempt to encourage members of the Authority to become parties to the Protocol, in May 2015 the Secretary-General circulated a briefing note further elaborating the provisions of the Protocol and describing the processes necessary for ratification, acceptance, approval or accession. Members of the Authority that are not yet parties are strongly encouraged to take the necessary steps to become parties to the Protocol at their earliest convenience.

VII. Administrative matters

A. Secretariat

22. The total number of established posts in the secretariat remained at 37 (20 Professional and 17 General Service). A number of vacant positions were filled during the reporting period as follows: Budget and Internal Oversight Officer (P-4), Finance Assistant (GS6), Budget Assistant (GS5), Information Technology Assistant (GS5) and Administrative Assistant for the Office of Administration and Management (GS5).

23. The Secretary-General reports with deep regret that, in September 2014, a long-serving and highly-valued member of the secretariat, Rupert Beckford (Jamaica) passed away at a tragically young age following a long illness. The Secretary-General and the staff of the Authority wish to express their deep condolences to Mr. Beckford's widow and family and to place on record their appreciation for his dedicated service to the Authority.

B. Participation in the common system of the United Nations

24. The Authority is an autonomous international organization, but applies to its staff the common system of salaries, allowances and other conditions of service of the United Nations and its specialized agencies. Since 2013, the Authority has subscribed to the statute of the International Civil Service Commission and is therefore a full participant in the United Nations common system of salaries, allowances and other conditions of service, with all associated benefits and obligations.

25. The eightieth session of the Commission took place in New York from 16 to 27 March 2015. The primary focus of the session was the comprehensive review of the United Nations common system compensation package and the outcome of the local salary survey that was conducted in September 2014 in Kingston. That resulted in an overall increase of 5.1 per cent in the salary level for positions in the General Service.

26. The Office of Administration and Management represents the Authority at the monthly meetings of the operations management team and the security management team, which are convened by the United Nations country team in Jamaica.¹ One of the objectives of the operations management team is to reduce administrative costs by avoiding duplication of work and promoting inter-agency collaboration through streamlining business practices. That initiative covers areas such as human resources management, information technology, finance, procurement, travel and common premises, and has so far resulted in two collaborative agreements covering a common procurement system for stationery and office supplies and a regional long-term agreement for travel management. It is anticipated that by 2016, the country team in Jamaica could achieve a 15 per cent reduction in procurement costs

¹ The participating agencies are the United Nations Population Fund, Pan-American Health Organization, United Nations Children's Fund (UNICEF), United Nations Educational, Scientific and Cultural Organization, United Nations Environment Programme, Joint United Nations Programme on HIV/AIDS, United Nations Development Programme and the Food and Agriculture Organization of the United Nations.

and a 30 per cent reduction in procurement time in support of United Nations Development Assistance Framework outcomes.

VIII. Financial matters

A. Budget

27. At its twentieth session, the Assembly adopted the administrative budget for the financial period 2015-2016 in the amount of \$15,743,143 ([ISBA/20/A/12](#)).

B. Status of contributions

28. In accordance with the Convention and the 1994 Agreement, the administrative expenses of the Authority shall be met by assessed contributions of its members until the Authority has sufficient funds from other sources to meet those expenses. The scale of assessments shall be based on the scale used for the regular budget of the United Nations, adjusted for differences in membership. As at 30 April 2015, 61.4 per cent of the value of contributions to the 2015 budget due from member States and the European Community had been received from 36.1 per cent of the membership of the Authority.

29. Contributions outstanding from member States for prior periods (1998-2014) amount to \$468,908. Notices are sent on a regular basis to member States, reminding them of the arrears. In accordance with article 184 of the Convention and rule 80 of the rules of procedure of the Assembly, a member of the Authority which is in arrears in the payment of its financial contribution shall have no vote if the amount of its arrears equals or exceeds the amount of financial contribution due from it for the preceding two years. As at 30 April 2015, the following 48 members of the Authority had been in arrears for two years or more: Barbados, Belize, Benin, Botswana, Burkina Faso, Cameroon, Cabo Verde, Chad, Comoros, Congo, Democratic Republic of the Congo, Djibouti, Dominican Republic, Equatorial Guinea, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Honduras, Liberia, Madagascar, Malawi, Maldives, Mali, Marshall Islands, Mauritania, Morocco, Namibia, Nepal, Pakistan, Palau, Paraguay, Saint Vincent and the Grenadines, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, Sri Lanka, Sudan, Swaziland, the former Yugoslav Republic of Macedonia, Togo, Uganda, Vanuatu, Yemen and Zambia.

30. As at 30 April 2015, the balance of the Working Capital Fund stood at \$559,341, against an approved level of \$560,000.

C. Voluntary trust fund

31. The voluntary trust fund for the participation of members of the Finance Committee and the Legal and Technical Commission from developing countries was established in 2002. Provisional terms and conditions for the use of the fund were adopted by the Assembly in 2003 and amended in 2004 (see [ISBA/9/A/5-ISBA/9/C/5](#), para. 6 and annex and [ISBA/9/A/9](#), para. 14). The trust fund is made up of voluntary contributions from members of the Authority and others. Total contributions to the

fund amount to \$584,584. The most recent contribution was made by Japan in September 2014, in the amount of \$21,660. The balance of the voluntary trust fund as at 30 April 2015 stood at \$225,187.

D. Endowment Fund for Marine Scientific Research in the Area

32. The Assembly established the Endowment Fund for Marine Scientific Research in the Area in 2006 (see [ISBA/12/A/11](#)). Detailed rules and procedures for the administration and utilization of the Fund were adopted in 2007 (see [ISBA/13/A/6](#), annex). The Fund aims to promote and encourage the conduct of marine scientific research in the Area for the benefit of humankind as a whole, in particular by supporting the participation of qualified scientists and technical personnel from developing countries in marine scientific research programmes, including through training, technical assistance and scientific cooperation programmes. The Fund is administered by the secretariat. Members of the Authority, other States, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations and private persons may make contributions to the Fund.

33. As at 31 May 2015, the capital of the Fund stood at \$3,455,538. As at the same date, a total of \$480,081 had been disbursed from the interest accrued on the capital in the form of awards for projects. Since the last session, two contributions have been received: one from Mexico for \$7,500 and one from Tonga for \$1,000. Information on the substantive activities of the Fund is contained in paragraphs 85 to 91 of the present report. A detailed report on alternative investments for the capital of the Fund has been prepared for consideration by the Finance Committee during the twenty-first session.

IX. Satya N. Nandan Library

34. The Satya N. Nandan Library, named after the first Secretary-General of the Authority, is the main information resource for the secretariat, member States, permanent missions and other researchers seeking specialist information on the law of the sea, ocean affairs, deep seabed mining and seabed resources. Its principal objective is to service the reference and research needs of its clientele and to provide essential support for the work of the secretariat. The Library is also responsible for the archiving and distribution of the official documents of the Authority and assists with the publications programme. Important linkages are maintained with local and international entities. The Library is an active member of the International Association of Aquatic and Marine Science Libraries and Information Centres and the Library and Information Association of Jamaica.

35. The Library facilities available to visitors, including delegates, consist of a reading room with access to the collection for reference purposes, computer terminals for e-mail and Internet usage and access to the database of the Library. Library services include the provision of information, reference and research support and resources, as well as the distribution of the official documents and publications of the Authority. The Authority remains committed to developing the specialized research capability of the existing collection through an acquisitions

programme aimed at building upon and strengthening the comprehensive collection of reference material held by the Library.

36. The Library continues to plan and undertake projects aimed at continuous improvement of the services and physical resources, enhancement of information delivery, harmonization of activities and the sharing of resources. Funds were approved for the acquisition of new furniture during the financial period 2013-2014, as was partial funding for the deployment of an integrated library system. In 2014, the public access area of the library was updated with a new reception area and improved reading areas. Those changes took into consideration the multiple uses of the Library and anticipated future changes in information servicing. It is noted that the last major refurbishment of the Library took place in 1999.

37. Since 2012, the secretariat has developed a successful collaboration with the Registry of the International Tribunal for the Law of the Sea in the provision of library and information services, beginning with a visit by the librarian of the Tribunal in 2012. That collaboration has led to a partnership between the Authority and the Tribunal for the acquisition of electronic resources through the United Nations System Electronic Information Acquisitions Consortium. The Consortium is a system-wide libraries initiative, which generates considerable savings in access to electronic journals and publications for participating agencies.

38. In 2014, the librarian of the Authority visited the Tribunal library in order to further collaborative efforts and review the implementation by the Tribunal of its new integrated library system. A great deal was learnt from the visit in terms of the challenges faced by the Tribunal in the procurement and implementation of the system, which has led to a decision to undertake a comprehensive assessment and analysis of the services, systems and future needs of the Satya N. Nandan Library prior to procurement of any integrated library system, in order to ensure that the most viable and cost-effective solutions are implemented.

39. The Satya N. Nandan Library continues its regular acquisitions programme to develop the collection. The holdings have been further augmented by generous donations from organizations and individuals including the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs at the United Nations; the International Tribunal for the Law of the Sea; the United Nations Environment Programme; the Food and Agriculture Organization of the United Nations; the United Nations Development Programme; the United Nations Educational, Cultural and Scientific Organization (UNESCO); the Intergovernmental Oceanographic Commission of UNESCO; the World Bank; the State Oceanic Administration of the People's Republic of China; the Tokyo Institute of Technology; the Center for Oceans Law and Policy, University of Virginia; the Law of the Sea Institute at the University of California, Berkeley; the Woods Hole Oceanographic Institution; the German Advisory Council on Global Change; the United States Institute of Peace and the Ministry of Energy and Mining, Jamaica. Individual donations have also been received from Philomène Verlaan, School of Ocean and Earth Science and Technology, University of Hawaii at Mānoa and Institute of Marine Engineering, Science and Technology, London; Peter Ng Kee Lin, Director, Tropical Marine Science Institute, National University of Singapore; and Prue Taylor and Lucy Stroud, University of Auckland, New Zealand. The Library also welcomed a considerable donation of 100 books on oceanography, seabed mining and related subjects, in both Chinese and English from the State Oceanic Administration of the

People's Republic of China. That generous contribution will greatly enhance the research capability of the Library, especially in Chinese. Staff members continue to donate publications from seminars and workshops they have attended. The Secretary-General is grateful to all who have supported the Library during the reporting period.

40. The commemoration of the twentieth anniversary of the establishment of the Authority generated renewed interest in the activities of the Authority, both in Jamaica and internationally. The Library provided research assistance to many institutions, including the University of California, Santa Barbara; the University of New South Wales; the High Commission of the Republic of Cameroon in London; the People's Daily, China; the China Ocean Mineral Resources Research and Development Association; The Economist; Harper's Magazine; the University of Sao Paulo, Brazil; Kuwait International Law School; the Faculty of Law and the Department of Language, Linguistics and Philosophy, University of the West Indies, Mona, Jamaica; Norman Manley Law School, Mona, Jamaica; the Caribbean Maritime Institute; and a number of Government of Jamaica bodies, including the Attorney General's Department, the Ministry of Foreign Affairs and Foreign Trade, the Mines and Geology Division of the Ministry of Science, Technology, Energy and Mining, the National Environment and Planning Agency and the Jamaica Information Service. Requests were also received from individual researchers, embassies and permanent missions based in Jamaica and internationally, and academic and research institutions in other countries. Research interests included the activities of the Authority and the subject areas covered by the Convention, including the precautionary principle; the regulatory framework for seabed mining; minerals mining in Antarctica; rare earth elements; the status of, and information on, the contracts for exploration and on exploration areas; the principle of the common heritage of mankind; the Third United Nations Convention on the Law of the Sea; claims relating to the continental shelf and the exclusive economic zone; current developments in marine mineral resources, research and exploration; mining agreements and regulation; environmental management and protection of the seabed. In addition, there continues to be extensive interest in information on the Endowment Fund and on fellowship and training opportunities available through the Fund. Many requests are received electronically and reflect the increasing international interest in the work of the Authority.

X. Website and public information

41. The Authority launched its redeveloped website in January 2015. The entire website has been redesigned to better present and disseminate the various aspects of the work of the Authority in a consistent format that ensures the provision of an effective communication medium. The new website is powered by Drupal, an open-source content management platform, and is compatible with cross-browser platforms and mobile devices. A separate secure extranet is maintained for members of the Legal and Technical Commission in order to keep them abreast of all the information they need to perform their functions as members of the Commission.

42. In 2014, a mobile application (ISBAHQ App) was launched. It provides a compacted replication of the main content of the website for mobile devices for Android and iOS system users. As with the website, the mobile app is continuously

updated and maintained to ensure that it holds the latest information about the Authority.

43. In keeping with the policy of moving towards electronic publishing, all publications of the Authority are made freely available online in digital format. Many publications may also be downloaded through the mobile app. The Authority continues to make use with great success of the print-on-demand service through its digital storefront on Amazon.com, which has resulted in a significant reduction in print inventory and publication costs.² The website of the Authority hosts a complete list of all current and forthcoming publications.

XI. Visits to the headquarters of the Authority

44. On 11 September 2014, a Chinese delegation headed by the Secretary-General of the China Ocean Mineral Resources Research and Development Association, made an official visit to the headquarters of the Authority. The delegation was composed of officials from the National People's Congress of China and the China Institute for Marine Affairs. Among other issues, the delegation discussed national legislation for deep seabed mining in the Area.

45. In October 2014, a Chilean delegation, led by the Ambassador of Chile to Jamaica and Permanent Representative to the International Seabed Authority, made a two-day visit to the Authority. The Ambassador was accompanied by the Executive Secretary of the National Oceanographic Committee of Chile.

46. In April 2015, as part of a training programme, a group of seven young government officials from the Ministry of Foreign Affairs and the Royal Court of Saudi Arabia paid a field visit to the headquarters of the Authority. That was the third visit of the same type by a delegation from Saudi Arabia to the Authority. Previous visits took place in 2012 and 2014 respectively. The delegation attended a briefing session, with presentations made by officials of the secretariat on the functions and current work of the Authority, including, inter alia, the structure and functions of the Authority, mineral resources in the Area, marine environmental protection and the training programmes of the Authority.

XII. Relationship with the United Nations and other relevant international organizations

47. The interrelationship between activities in the ocean makes it essential that there is cooperation and coordination between international organizations with mandates over activities in the ocean. That is emphasized in the Convention itself and is critical for a consistent approach that results in the comprehensive protection of the marine environment as part of the sustainable development of activities in the ocean. To that end, the secretariat has participated in a number of initiatives aimed at facilitating the exchange of information and dialogue among users of the international seabed Area.

² Available from www.amazon.com/International-Seabed-Authority/e/B00GM20AZU.

A. United Nations

48. The Authority has continued to have a close and productive working relationship with the Division for Ocean Affairs and the Law of the Sea. An officer from the Division participated in the sensitization seminar held by the Authority in South Africa in March 2015. The Secretary-General of the Authority provided information on the activities of the Authority to the twenty-fifth Meeting of States Parties to the Convention in June 2015. That was preceded, on 29 May 2015, by a special briefing by the Secretary-General for the benefit of member States based in New York, on the programme of work for the twenty-first session of the Authority. In June 2015, the Legal Counsel of the Authority provided a briefing to the interns participating in the United Nations-Nippon Foundation of Japan Fellowship Programme for Human Resources Development and Advancement of the Legal Order of the World's Oceans, hosted by the Division for Ocean Affairs and the Law of the Sea.

B. UN-Oceans

49. UN-Oceans is an inter-agency mechanism which seeks to enhance the coordination, coherence and effectiveness of competent organizations of the United Nations system within existing resources, in conformity with the Convention, the respective competences of each of its participating organizations and the mandates and priorities approved by their respective governing bodies. Under its revised terms of reference, set out in the annex to General Assembly resolution 68/70, UN-Oceans is mandated to strengthen and promote the coordination and coherence of United Nations system activities related to ocean and coastal areas; regularly share information about the ongoing and planned activities of participating organizations within the framework of relevant United Nations and other mandates, with a view to identifying possible areas for collaboration and synergy; facilitate, as appropriate, inputs by its participating organizations to the annual reports of the Secretary-General of the United Nations on oceans and the law of the sea and on sustainable fisheries; and facilitate inter-agency information exchange, including the sharing of experiences, best practices, tools and methodologies and lessons learned in ocean-related matters.

50. The secretariat of the Authority is a member of UN-Oceans and participates in its meetings, as appropriate, and in accordance with its mandate. During the reporting period, the Authority participated in a number of teleconferences and was represented at the 14th meeting of UN-Oceans hosted by the International Maritime Organization (IMO) in London on 19 and 20 March 2015.

C. International Cable Protection Committee

51. On 10 and 11 March 2015, the International Cable Protection Committee and the Authority held an inaugural technical workshop on the subject of submarine cables and deep seabed mining, advancing common interests and addressing "due regard" obligations in the Convention. In view of the growing risk of interferences in the Area between laid submarine cables and the conduct of exploration activities under contracts conferring exclusive rights on contractors, the participants discussed practical ways to facilitate the exercise of those activities with due regard for each

other. The report of the workshop has been published in the form of a technical study, along with a briefing paper outlining the salient points and conclusions that were raised during the workshop.

D. Sargasso Sea Commission

52. During the reporting period, the secretariat pursued its collaboration with the Sargasso Sea Commission, the successor to the Sargasso Sea Alliance, an initiative led by the Government of Bermuda to raise awareness of the ecological significance of the Sargasso Sea. The majority of the seafloor of the Sargasso Sea lies in the international seabed Area. The secretariat of the Authority was invited by the Government of Bermuda to participate as an observer at the official signing of the Hamilton Declaration on Collaboration for the Conservation of the Sargasso Sea on 11 March 2014. The Hamilton Declaration is a non-binding arrangement, which has currently been signed by the Regional Government of the Azores and the Governments of Bermuda, Monaco, the United Kingdom and the United States of America.

53. Pursuant to the Hamilton Declaration, the Government of Bermuda established the Sargasso Sea Commission under Bermudan law in August 2014. The Commission, assisted by a secretariat, has no management authority. Its role is to exercise stewardship for the Sargasso Sea and keep its health, productivity and resilience under continual review. The Sargasso Sea Commission has recently submitted a request for observer status at the meetings of the Authority and that request has been placed on the agenda of the twenty-first session of the Assembly.

E. OSPAR Commission

54. The secretariat of the Authority and the secretariat of the OSPAR Commission have continued their long-standing cooperative relationship, which in the past manifested itself in the conclusion of a memorandum of understanding and by the participation of the OSPAR Commission in the elaboration of the environmental management plan for the Clarion-Clipperton Zone. It will also be recalled that, in 2014, the Council requested the secretariat of the Authority to pursue a dialogue with the secretariat of the OSPAR Commission, with a view to reporting back to the Council in 2015 on issues associated with the proposed collective arrangement between competent international organizations on cooperation and coordination regarding selected areas in areas beyond national jurisdiction in the North-East Atlantic (“the collective arrangement”).

55. In April 2015, the secretariat was invited by the OSPAR Commission and the North-East Atlantic Fisheries Commission to participate in the first meeting under the collective arrangement, to be held in London. Although the secretariat was unable to participate physically, it was able to attend part of the meeting virtually through Skype. It was recalled that the objective of the collective arrangement was to provide a framework for the dialogue and exchange of information on conservation and management measures to safeguard biodiversity in the North-East Atlantic that each organization joining the arrangement has adopted within its remit. To that end, under the collective arrangement, the parties commit, within the scope of their competence, to cooperate in the development and management of selected

areas. At the meeting, information was provided on the location, boundaries and objectives of closed areas for fisheries and on marine protected areas established in the Charlie-Gibbs Fracture Zone. Those spatial management experiences are of relevance at a time when the development of an environmental management plan in the Mid-Atlantic Ridge has been identified as a priority for the Authority. So far, OSPAR and the North-East Atlantic Fisheries Commission have joined the collective arrangement. A proposal for joining the collective arrangement has also been placed on the agenda of IMO. A full report on the outcomes of the first meeting under the collective arrangement will be considered by the Council of the Authority in 2015 ([ISBA/21/C/9](#)).

F. International Maritime Organization

56. During the reporting period, the secretariats of the Authority and of IMO consulted on the possibility of concluding an agreement of cooperation. As the Authority embarks on the formulation of the regulatory framework for exploitation of deep sea minerals in the Area, technical expertise, advice and assistance from relevant United Nations organizations, bodies and specialized agencies, such as IMO, will be required. The first consultation between IMO and the Authority took place in the margins of the 36th Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention) and the 9th Meeting of Contracting Parties to the 1996 Protocol to the London Convention, 1972, at IMO headquarters in London in 2014. The second meeting also took place in London in the margins of the 14th meeting of UN-Oceans, held in March 2015. As a result of those consultations, both organizations have agreed on the text of a draft memorandum of cooperation which will be placed before their respective authorizing organs for consideration and approval (see [ISBA/21/C/10](#)). In the case of IMO, the draft text of the agreement of cooperation will be submitted to the IMO Council at its 114th session, to be held in London from 29 June to 3 July 2015. The matter will be taken up by the Council of the Authority during the twenty-first session.

XIII. Previous session of the Authority

57. The twentieth session of the Authority was held in Kingston from 14 to 25 July 2014. Antonio Francisco Da Costa e Silva Neto (Brazil) was elected President of the Assembly for the session and Tommo Monthe (Cameroon) was elected President of the Council. The Assembly considered the annual report of the Secretary-General, adopted, on the recommendation of the Council, the budget of the Authority for the financial period 2015-2016 and the scale of assessments for 2015 and 2016 and elected 17 members of the Council to serve for a four-year period beginning on 1 January 2015. The Assembly also approved a revised regulation 21 of the Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area and the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area.

58. On 22 July 2014, the Assembly held a special one-day event to commemorate the twentieth anniversary of the establishment of the International Seabed Authority. The special session commenced with an address by the Prime Minister of Jamaica.

The Assistant Secretary-General for Legal Affairs of the Office of Legal Affairs delivered a message from the Secretary-General of the United Nations. Statements were made by Tommy Koh, Ambassador-at-Large, Ministry of Foreign Affairs of Singapore and President of the Third United Nations Conference on the Law of the Sea and Satya N. Nandan, the first Secretary-General of the Authority. Statements were also made by José Luis Jesus, member of the International Tribunal for the Law of the Sea and former Chair of the Preparatory Commission for the International Seabed Authority and the International Tribunal for the Law of the Sea, Hasjim Djalal, first President of the Assembly of the Authority, Vladimir Golitsyn, President of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea (on behalf of the President of the Tribunal), Mumba Kapumpa, Ambassador of Zambia to the Republic of Korea and Baïdy Diène, former President of the Council of the International Seabed Authority and a former member of the Legal and Technical Commission. Statements were also made by the chairs of the regional groups, several member States and a number of observers.

59. On the recommendation of the Legal and Technical Commission, the Council approved seven new applications for approval of plans of work for exploration for the three main categories of seabed mineral resources in the Area. The Council also considered the summary report of the Chair of the Legal and Technical Commission, the report of the Finance Committee and the report of the Secretary-General on the status of national legislation relating to deep seabed mining and related matters.

XIV. Status of exploration and exploitation in the Area

60. As of 31 May 2015, the Authority had approved a total of 26 plans of work for exploration and entered into 15-year contracts for exploration for marine mineral resources in the Area with 22 contractors. Fourteen of those contracts are for exploration for polymetallic nodules, five for exploration for polymetallic sulphides and three for exploration for cobalt-rich crusts.

61. Since the twentieth session, five new contracts for exploration have been signed. The contract for exploration for polymetallic sulphides with the French Research Institute for Exploitation of the Sea (IFREMER) was signed at Issy-les-Moulineaux, France, on 18 November 2014. The contract for exploration for polymetallic nodules with Marawa Research and Exploration Ltd., sponsored by Kiribati, was signed on 19 January 2015 in New York. The contract for exploration for polymetallic nodules with Ocean Mineral Singapore Pte. Ltd., sponsored by Singapore, was signed in Kingston on 15 January 2015 and in Singapore on 22 January 2015. A formal ceremony to celebrate the signature will take place in Singapore on 15 June 2015. A contract for exploration for cobalt-rich ferromanganese crusts with the Ministry of Natural Resources and Environment of the Russian Federation was signed in New York on 10 March 2015. The contract for exploration for polymetallic sulphides with the Federal Institute for Geosciences and Natural Resources of Germany was signed on 6 May 2015 in Berlin.

62. Four plans of work for exploration that were approved by the Council during the twentieth session have not yet been converted into contracts. The pending contracts are with UK Seabed Resources Ltd, the Government of India, the Cook Islands Investment Corporation and Companhia de Pesquisa de Recursos Minerais of Brazil. It is expected that contracts will be finalized and signed during 2015.

A new application for approval of a plan of work for exploration for polymetallic nodules in a reserved area was received on 8 August 2014 from China Minmetals Corporation, sponsored by China. The application was considered by the Legal and Technical Commission during its meeting in February 2015. The recommendations of the Commission with respect to the application will be considered by the Council during the twenty-first session.

63. Seven of the existing 15-year exploration contracts are due to come to an end between March 2016 and March 2017, involving the following contractors: Interoceanmetal Joint Organization, Yuzhmorgeologiya, the Government of the Republic of Korea, the China Ocean Mineral Resources Research and Development Association, Deep Ocean Resources Development Co. Ltd., IFREMER and the Government of India. During the twentieth session, the Council noted that, pursuant to section 3.2 of the standard clauses for exploration contracts, applications to extend plans of work for exploration must be submitted no later than six months before the expiration of the plan of work. This means that the first such applications for extension could be anticipated as early as September 2015, for consideration during the twenty-second session of the Authority in 2016. Accordingly, in its decision [ISBA/20/C/31](#), the Council requested the Legal and Technical Commission, as a matter of urgency and as its first priority in 2015, to formulate draft procedures and criteria for applications for extensions of contracts for exploration, to be submitted to the Council at its 2015 session.

64. In response to the request of the Council, the Commission, at its meeting in February 2015, adopted and proposed to the Council draft procedures and criteria for the extension of approved plans of work for exploration ([ISBA/21/C/3](#)). The matter will be taken up by the Council at the twenty-first session.

65. The standard clauses of exploration contracts require that contractors perform and report on certain matters concerning their exploration areas. The first concerns environmental baseline data and the second the resources contained in their exploration areas and their classification into proven, probable and possible reserves and anticipated mining conditions. With regard to the environmental baseline data, in particular data on the fauna associated with their areas, the standard clauses require that contractors gather environmental baseline data as exploration activities progress and establish environmental baselines to assess the likely effects of their activities on the marine environment. While a significant number of samples have been collected by the contractors, following a meeting with them in January 2012 it became clear that the taxonomy used to name the fauna was not standard, making the data contained in the database of the Authority impossible to compare and combine. Following a meeting with representatives of the contractors, the Secretary-General was asked to facilitate the use of a standardized taxonomy. In that regard, it was requested that such standardization be undertaken for megafauna, macrofauna and meiofauna. The first standardization workshop, supported by the Authority and the International Network for Scientific Investigations of Deep-Sea Ecosystems, focused on megafauna associated with polymetallic nodule deposits. Exploration of the abyssal region of the Clarion-Clipperton Zone reveals that there is considerable biodiversity at many scales. Most of that biodiversity remains unknown. The second workshop was hosted by the Korea Institute of Ocean Science and Technology at the East Sea Research Institute, in November 2014. The third workshop on meiofauna associated with polymetallic nodules is expected to be convened later this year in Belgium — see paras. 78 and 79 for much the same information. Upon conclusion

of those workshops, contractors, prospectors and marine scientific research organisations will be in a position to provide the Authority with comparable information and data for either their exploration areas or other areas within the Clarion-Clipperton Zone, and for an environmental management plan for the Zone.

66. The second item that is included in the standard clauses for exploration contracts requires contractors to, inter alia, estimate mineable areas, when such areas have been identified, to include details of the grade and quantity of the proven, probable and possible polymetallic nodule reserves and the mining conditions in their exploration areas (see [ISBA/19/C/17](#), annex 4, paragraph 11.2 (b)). In that regard, although many of the contractors had provided some data and information in their annual reports on the polymetallic nodule resources in their exploration areas, similar problems were identified with respect to the standards and definitions used for proven, probable and possible polymetallic nodule reserves. To overcome those problems, particularly in view of the fact that some of their contracts would expire in the next two years, the Authority convened a workshop in collaboration with the Government of India in October 2014. The workshop reviewed, inter alia, the work being undertaken by contractors for polymetallic nodule exploration in resource classification to determine the need for standardization of the resource data; examined the current practice for land-based mineral development and national reporting standards for exploration results and resource classification; identified special aspects of polymetallic nodule deposits that should be addressed in resource reporting standards; assisted contractors to identify and implement best practices in polymetallic nodule resource evaluation; and determined the amount of work and time required by contractors to complete their work on polymetallic nodule resource evaluation in their exploration areas. The workshop concluded, inter alia, that even in the mineable areas that had been identified by contractors, the resources could only qualify to be classified as inferred, indicated or measured resources. None of the resources could qualify as reserves (proven, probable or possible) until collector and pilot mining tests had been conducted. Moreover, the output from proposed mining systems could not be determined in their absence, making financial models of the mining operation(s) unreliable. Some contractors indicated their desire to undertake collaborative tests of their collectors and to do likewise for pilot mining tests. It was recommended that the Authority support collaboration among interested contractors with regard to collector and pilot mining tests and environmental impact assessment efforts, as a means of helping contractors to reduce costs and risks.

XV. Progressive development of the regulatory regime for activities in the Area

67. The Authority has a fundamental role to play in ensuring that an appropriate regulatory regime is established, in accordance with the Convention and the 1994 Agreement, which provides adequate security of tenure for future exploration for, and exploitation of, the mineral resources of the Area, while ensuring effective protection for the marine environment. The regulatory regime would ultimately be encapsulated in a mining code, which would comprise the whole of the comprehensive set of rules, regulations and procedures issued by the Authority to regulate prospecting, exploration and exploitation of marine minerals in the Area.

A. Prospecting and exploration

68. The mining code currently consists of three sets of regulations covering prospecting and exploration for polymetallic nodules (ISBA/19/C/17, annex), polymetallic sulphides (ISBA/16/A/12/Rev.1, annex) and cobalt-rich ferromanganese crusts (ISBA/18/A/11, annex). In addition to specifying the process through which contracts may be applied for and granted, the regulations set out the standard terms and conditions, applicable to all entities, of contracts with the Authority. The regulations are supplemented by recommendations for the guidance of contractors issued by the Legal and Technical Commission. At present, recommendations have been issued in connection with the assessment of possible environmental impacts arising from exploration (ISBA/19/LTC/8), the reporting of actual and direct exploration expenditure (ISBA/21/LTC/11) and the implementation of training programmes (ISBA/19/LTC/14).

B. Exploitation

69. The Legal and Technical Commission commenced preparatory work on the formulation of draft regulations for the exploitation of marine minerals in 2014. In March 2014, a stakeholder survey was launched, aimed at soliciting from members of the Authority, as well as current and future stakeholders, relevant information for the development of a regulatory framework for the exploitation of minerals in the Area. The survey began a process of stakeholder engagement and consultation as envisaged by the Council and was the first in a series of stakeholder engagements anticipated by the Authority in the development of a regulatory framework, which will incorporate contemporary best practices and from which the Authority expects to benefit from the in-depth views, analysis and opinions of experts on activities in the Area. More than 50 responses were received to the stakeholder survey and are available on the website of the Authority. Those responses were considered by the Commission at its meeting in February 2015.

70. At the twentieth session, the Council requested the Legal and Technical Commission to continue its work on the regulations governing exploitation as a matter of priority and to make available to all members of the Authority and all stakeholders a draft framework for the regulation of exploitation as soon as possible after its meeting in February 2015. In response to the request by the Council, in March 2015, the Commission issued a report entitled: “Developing a regulatory framework for mineral exploitation in the Area” containing, inter alia, a draft framework for the regulation of mineral exploitation in the Area.³ The draft framework was accompanied by a discussion of the high-level and strategic issues the Commission considered to be of significance in advancing the development of rules, regulations and procedures for exploitation. Additionally, the report contained an action plan to further such development.

71. Also in March 2015, the secretariat issued a discussion paper on the “Development and implementation of a payment mechanism in the Area”.⁴ The paper set out the main objectives and principles relevant to the development of rules, regulations and procedures in connection with a payment mechanism under the

³ Available from www.isa.org.jm/files/documents/EN//Survey/Report-2015.pdf.

⁴ Available from www.isa.org.jm/files/documents/.../DiscussionPaper-FinMech.pdf.

exploitation regime. It considered feedback from stakeholders who responded to the stakeholder survey carried out by the Authority in 2014. It also presented a number of points for discussion and consideration by member States, including a proposed payment mechanism and relevant terms. Advancing a fair and equitable financial mechanism is particularly challenging and the main aim of the discussion paper is to act both as the starting point for discussion and to provide some structure and direction to that discussion. The paper also highlights the necessity to obtain the latest financial and economic data, estimates and projections in order to build financial models to support assumptions and future recommendations to the Council.

C. National laws and regulations relating to deep seabed mining

72. It is recalled that, at the seventeenth session of the Authority, in 2011, the Council requested the Secretary-General to prepare a report on the laws, regulations and administrative measures adopted by sponsoring States and other members of the Authority with regard to activities in the Area, and invited, for that purpose, sponsoring States and other members of the Authority, as appropriate, to provide the secretariat with information on, or the texts of, relevant national laws, regulations and administrative measures (see [ISBA/17/C/20](#), para. 3). Subsequently, the secretariat established an online database of the information on, or the texts of, national laws, regulations and administrative measures that had been submitted to it and presented an annual report on the status of such national legislation to the Council ([ISBA/18/C/8](#) and Add.1, [ISBA/20/C/12](#), [ISBA/20/C/11](#) and Corr. 1 and Add.1).

73. As at 31 May 2015, the following States had provided information on, or the texts of, relevant national laws, regulations and administrative measures: Belgium, China, Cook Islands, Czech Republic, Fiji, France, Germany, Guyana, India, Japan, Mexico, Nauru, Netherlands, New Zealand, Nigeria, Niue, Oman, Republic of Korea, Singapore, Tonga, United Kingdom, United States and Zambia. A submission was also received from the secretariat of the Pacific Community, on behalf of the Pacific Islands region.

XVI. Workshops and seminars

74. Since 1998 the Authority has convened international workshops on scientific and technical matters in order to provide it with the best available scientific advice for the formulation of rules, regulations and procedures for managing activities in the Area. The workshops are an important mechanism for the promotion and encouragement of marine scientific research in the Area and a platform for collaboration with contractors and the international scientific community. During the reporting period, two international workshops were held.

A. Workshop on polymetallic nodules resource classification

75. The international workshop on polymetallic nodules resource classification took place from 13 to 17 October 2014 in Goa, India. The workshop was organized by the Authority in collaboration with the Indian Ministry of Earth Sciences. The main objectives of the workshop were to ascertain the status of work undertaken by contractors for polymetallic nodule exploration in the Area, with a view to

standardizing the exploration and resource data required of contractors and to develop guidance for the classification of those mineral resources.

76. The workshop was attended by 40 participants from 15 different countries, including representatives of most of the contractors working with the Authority. Experts from the Committee on Mineral Reserves International Reporting Standards and the United Nations Economic Commission for Europe also attended the workshop to provide information on the application of the Committee's international reporting template and the United Nations framework classification for minerals.

77. The participants in the workshop recommended that the Authority should prepare guidelines for resource classification as soon as possible for the purposes of reporting to the Authority. A draft reporting standard, based on the international reporting template, was developed and is currently under review by the Legal and Technical Commission, with the expectation that it will be adopted during the twenty-first session as a recommendation for the guidance of contractors. The workshop also recommended ways that contractors could collaborate for the purpose of conducting pilot mining tests and environmental impact studies.

B. Workshop on taxonomic methods and standardization of macrofauna in the Clarion-Clipperton Zone

78. A workshop on taxonomic methods and standardization of macrofauna in the Clarion-Clipperton Zone took place from 23 to 30 November 2014, hosted by the East Sea Research Institute in Uljin, Republic of Korea. That was the second workshop in a series of three workshops on megafauna, macrofauna and meiofauna respectively, that were agreed between the Secretary-General of the Authority and the contractors at a meeting in Kingston in January 2012. A total of 42 people from 23 countries attended the workshop, including scientific experts, members of the Legal and Technical Commission and scientists working for contractors. The workshop began with one and a half days of expert presentations and half a day of scientists working for contractors presenting their experiences to date of collecting and determining macrofauna. Three subsequent days of hands-on studies of deep sea samples were followed by a final plenary discussion and adoption of 18 recommendations to improve future macrofauna studies to achieve proper baseline studies.

79. The workshop achieved four significant accomplishments: (a) a standardized nomenclature with associated descriptions and keys that were made available for use by contractors; (b) the recommendation of a standardized taxonomic identification including sampling and storing methods for contractors; (c) the provision of guidelines and procedures to be utilized by contractors for baseline studies; and (d) the discussions and agreed guidelines are expected to outline minimum standards to provide data on which to delineate impact reference zones and preservation reference zones within exploration areas. Altogether, the workshop constituted a major step in filling one of the most significant gaps in reporting environmental data by providing guidance and knowledge on macrofaunal taxonomy. The third workshop in the series, on meiofauna, will be held in Belgium in December 2015, hosted by Ghent University.

C. Sensitization seminars

80. Sensitization seminars are organized by the Authority, in partnership with the host country and experts from various scientific and legal institutions associated with the Convention. The seminars aim to bring together experts from the international legal and scientific community with national and regional government officials, scientists, researchers and academics to discuss scientific research on marine minerals and propose mechanisms for improving regional cooperation in scientific research and marine mineral development. Topics covered at the seminars include the status of the legal regimes established for the recovery of minerals, the types of minerals found in the Area, resource evaluation, protection and preservation of the marine environment from prospecting, exploration and mining and capacity-building.

81. The tenth sensitization seminar was held from 17 to 19 March 2015 in Tshwane, South Africa, hosted by the Department for International Relations and Cooperation and the Council for Geoscience of South Africa. The seminar focused on the challenges and opportunities for Africa in scientific research, mineral exploration and exploitation in the Area.

82. Previous seminars have been held in Manado, Indonesia (2007), Rio de Janeiro, Brazil (2008), Abuja (2009), Madrid (2010), Kingston (2011), Mexico City (2013) and at United Nations Headquarters in New York (2010, 2012, 2014). The next sensitization seminar is to be held in Chile in December 2015.

XVII. Capacity development and training

83. There are two main ways in which the Authority seeks to carry out its responsibilities under articles 143 and 144 of the Convention to promote marine scientific research in the Area and build the capacity of developing States in deep sea research and technology. Those are (a) the training programmes provided by contractors as a requirement of their contracts for exploration in the Area and (b) through the Endowment Fund for Marine Scientific Research in the Area. The Authority has also recently formalized its internship programme.

A. Contractor training

84. Contractors with the Authority have a legal obligation to provide and fund training opportunities for trainees from developing States and the personnel of the Authority. The legal basis for the requirement stems from the provisions of the Convention and the 1994 Agreement and is set out in the standard terms of contracts. The purpose of the obligation is to ensure that personnel from developing States are provided with appropriate operational expertise to enable them to participate in deep seabed mining. The training programme is generally formulated following negotiations between the Authority and the contractor, in accordance with the recommendations for guidance issued by the Legal and Technical Commission, and included as schedule 3 of the contract for exploration.

85. In 2013, the Commission adopted revised and updated recommendations for the guidance of contractors on the format and content of training programmes

(ISBA/19/LTC/14), which significantly increased the expected number of training opportunities to be provided by contractors. At the same time, the secretariat streamlined its internal procedures for soliciting candidates for training and for managing the process of selecting candidates in conjunction with the Commission. That included the establishment of a dedicated page on the website for training opportunities, a streamlined application form and the establishment of a permanent roster of qualified candidates for training opportunities. In light of the fact that it is anticipated that, over the next five years, more than 100 training opportunities will become available, the secretariat will continue to investigate ways to give the widest possible publicity to such training opportunities and attract qualified candidates.

86. During the reporting period, applications were solicited for three training programmes. In February 2015, the Legal and Technical Commission selected four candidates and nine alternate candidates for the China Ocean Mineral Resources Research and Development Association fellowship and engineering training programmes under its contract for exploration for polymetallic sulphides. Those programmes were scheduled to commence in March 2015, but have been postponed to July 2015. Two candidates were identified for the training programme of Tonga Offshore Mining Ltd., to take place in June 2015. A third contractor, UK Seabed Resources Ltd., will provide four-year PhD programmes for two candidates from developing States through Plymouth University in the United Kingdom. One trainee will receive on-land training in the analysis of polymetallic nodules, using advanced imaging and analysis techniques, while the second will receive training in deep sea marine biology. Advertisements for those programmes were circulated to all member States and through relevant international scientific institutions and programmes in April 2015. The programmes are scheduled to commence in October 2015 and the final selection of candidates will be made by the Legal and Technical Commission at its meeting in July 2015, in consultation with UK Seabed Resources Ltd. and Plymouth University.

87. The Secretary-General regrets to report the loss at sea, in March 2015, of a trainee from Papua New Guinea, Kledy Koloa, while on board the Russian research vessel *R/V Professor Logachev*, during a cruise to the Russian contract area on the Mid-Atlantic Ridge. The Secretary-General extends his condolences to the Government of Papua New Guinea and the family of Mr. Koloa and expresses his appreciation to the Russian authorities for the thorough and careful investigation that was carried out into the circumstances of the tragic loss of Mr. Koloa.

B. Endowment Fund for Marine Scientific Research in the Area

88. The Endowment Fund for Marine Scientific Research in the Area aims to promote and encourage the conduct of marine scientific research in the Area for the benefit of humankind as a whole, in particular by supporting the participation of qualified scientists and technical personnel from developing countries in marine scientific research programmes and offering them opportunities to participate in training, technical assistance and scientific cooperation programmes. Applications for assistance from the Fund may be made by any developing country or by any other country, if the purpose of the grant is to benefit scientists from developing countries. Pursuant to the agreed procedures, an advisory panel is to be appointed by the Secretary-General of the Authority to evaluate applications for assistance from the Fund and make recommendations to the Secretary-General. Appointments

to the advisory panel are for a period of three years. New members of the panel were appointed by the Secretary-General in 2014. The names of the members of the advisory panel are set out in the annex to the present report.

89. As at 31 May 2015, a total of 66 scientists or government officials from 36 developing countries have been beneficiaries of financial support from the Endowment Fund. The recipients were from Argentina, Bangladesh, Bolivia (Plurinational State of), Brazil, Cameroon, China, Colombia, Cook Islands, Costa Rica, Egypt, Fiji, Guyana, India, Indonesia, Jamaica, Madagascar, Maldives, Malta, Mauritania, Mauritius, Micronesia, Namibia, Nigeria, Palau, Papua New Guinea, Peru, Philippines, the Russian Federation, Sierra Leone, South Africa, Sri Lanka, Suriname, Thailand, Trinidad and Tobago, Tunisia and Viet Nam.

90. In administering the Fund, the secretariat of the Authority is required to endeavour to make arrangements with universities, scientific institutions, contractors and other entities for opportunities for scientists from developing countries to participate in marine scientific research activities. Such arrangements may include the reduction or waiver of fees for training. The secretariat has carried out a number of activities designed to draw the attention of the international donor community to the opportunities offered by the Fund and to encourage additional contributions. Those activities have included issuing press releases and promotional materials, maintaining a specially designed web page (www.isa.org.jm/contractors/endowment-fund) and establishing a network of cooperating institutions that may be interested in offering places on courses or research opportunities. Members of the network to date include the National Oceanography Centre (United Kingdom), the National Institute of Ocean Technology (India), IFREMER (France), the Federal Institute for Geosciences and Natural Resources (Germany), the National Institute of Oceanography (India), the Natural History Museum (United Kingdom), Duke University (North Carolina, United States), Universidad Nacional Autónoma de Mexico (Mexico) and International Cooperation in Ridge-Crest Studies, an international, non-profit organization which promotes interdisciplinary studies of oceanic spreading centres.

91. To date, two individuals have benefited from training funded by the Endowment Fund in 2015. Abdulkarim Rabiou (Nigeria) and Renee McDonald (Jamaica) completed at-sea training under the project of the Second Institute of Oceanography of China on the South-West Indian Ridge hydrothermal vent.

92. At its twelfth meeting in February 2015, the advisory panel recommended that financial support from the Endowment Fund be awarded to support three training programmes as follows: participation for up to six participants in the twentieth session of the Rhodes Academy of Oceans Law and Policy, to be held in Rhodes, Greece, in July 2015; the award of six bursaries through the International Network for Scientific Investigations of Deep-Sea Ecosystems to attend the fourteenth International Deep-Sea Biology Symposium in Aveiro, Portugal, in September 2015; and support for six candidates from developing countries to attend the tenth session of the Marco Polo-Zheng He Academy of International Oceans Law and Policy in July 2015 in Xiamen and Shanghai, China.

93. At the same time, the advisory panel noted that as a result of the current low interest rate environment, the Endowment Fund was generating less than 1 per cent interest and was therefore not keeping pace with the rate of inflation or the costs of marine scientific research. Based on the current recommendations of the panel, the

funding available for projects would be entirely exhausted in 2015. The panel recommended that the Finance Committee should give consideration to alternatives for investing and managing the Endowment Fund so that it could grow in real terms. The matter will be taken up by the Finance Committee at its meeting in July 2015.

94. The secretariat will continue to take steps to generate interest in the Endowment Fund on the part of potential donors and institutional partners. In that regard, it is noted that, in paragraph 52 of its resolution 69/245, the General Assembly expressed its appreciation to States that have made contributions to the Endowment Fund and encouraged States to make additional contributions to the Fund. It is also noted that during the twentieth session, the Council of the Authority, in its decision relating to the budget of the Authority for the biennium 2015-2016 (ISBA/20/C/21), expressed appreciation to those members of the Authority who had made voluntary contributions to the Endowment Fund and strongly encouraged members of the Authority to make such contributions to the Fund. The Endowment Fund is one of the key mechanisms for enabling capacity-building in the field of marine scientific research in the deep ocean and the Secretary-General wishes to encourage members of the Authority, other States, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private persons to contribute to the Fund.

C. Internship

95. The Authority accepts interns on a limited basis, depending on the specific needs of the respective offices within the secretariat and their capacity to effectively support, accommodate and supervise the interns. In addition, since 2011, the Authority has been a host institution under the United Nations-Nippon Foundation of Japan Fellowship Programme for Human Resources Development and Advancement of the Legal Order of the World's Oceans, administered by the Division for Ocean Affairs and the Law of the Sea.

96. In 2014, owing to the increased, but welcome, interest in the internship programme, the Secretary-General formalized the internship programme by promulgating procedures to streamline and standardize the selection procedures. The purpose of the internship programme is twofold: (a) to provide a framework through which students and young government officials from diverse academic backgrounds gain exposure to the work and functions of the Authority, in order to enhance their educational experience and/or gain experience in the work of the Authority; and (b) to enable the Authority to benefit from the assistance of qualified students and young government officials specialized in various skills within the scope of activities of the Authority. The programme does not consist of clearly defined internship positions; rather, the Authority will define the number and nature of internships on a continuous basis, according to the needs of the various offices. The selection and recruitment procedure will, consequently, be on an ongoing basis and each intern will carry out his or her assignments under the supervision of a designated staff member of the Authority.

97. Interns are responsible, where appropriate, for obtaining the necessary visas and arranging their travel to and from Kingston, as well as accommodation and travel in Kingston. They are not financially remunerated by the Authority. Costs and arrangements for travel, visas, accommodation and living expenses are the

responsibility of the interns or their sponsoring institutions. The Authority accepts no responsibility for the medical insurance of the intern or costs arising from injury, illness or death that may occur during an internship. Applicants for internship must show proof of valid medical insurance coverage to cover the full period of the internship at the duty station and provide a medical certificate of good health prior to the commencement of the internship. The Authority accepts no responsibility for loss or damage to personal effects that may occur during the internship. After the completion of the internship, the Authority will issue certificates to the interns. The Secretary-General would welcome proposals for funding of the internship programme to ensure that individuals from developing countries may benefit from these opportunities.

Annex

Membership of the advisory panel for the International Seabed Authority Endowment Fund for Marine Scientific Research in the Area, 2014-2017

Georgy Cherkashov (reappointed)

Deputy Director

Institute for Geology and Mineral Resources of the Ocean, Russian Federation

Jean-Michel Despax

Permanent Representative to the International Seabed Authority and Ambassador

Extraordinary and Plenipotentiary of France in Jamaica

Dong Xiaojun

Permanent Representative to the International Seabed Authority and Ambassador

Extraordinary and Plenipotentiary of China in Jamaica

Ariel Fernández

Permanent Representative to the International Seabed Authority and Ambassador

Extraordinary and Plenipotentiary of Argentina in Jamaica

Kim Juniper

Chief Scientist

Ocean Networks, Canada

Natsumi Kamiya

Deputy Director-General

Japan Oil, Gas and Metals National Corporation

Tommo Monthe

Permanent Representative of Cameroon to the International Seabed Authority
and to the United Nations

Gordon Paterson (reappointed)

Research Zoologist

Department of Life Sciences, Natural History Museum, London



Assembly Council

Distr.: General
16 July 2015

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Twenty-first session

Kingston, Jamaica

13-24 July 2015

Report of the Finance Committee

1. During the twenty-first session of the International Seabed Authority, the Finance Committee held five meetings, between 9 and 13 July 2015.
2. The following members of the Committee participated in the meetings during the twenty-first session: Frida Armas-Pfirter, Trecia Elliott, Francesca Graziani, Olivier Guyonvarch, Pavel Kavina, Duncan Muhumuza Laki, Olav Myklebust, Nicola Smith, Reinaldo Storani, David C. M. Wilkens and Shinichi Yamanaka.
3. The following members informed the Secretary-General that they would be unable to attend the session: Aleksey Bakanov and Changxue Chen.
4. The following members informed the Secretary-General that they had resigned: Vishnu Dutt Sharma and Han Thein Kyaw.
5. Following past practice, Ye Minn Thein participated in the meetings of the Finance Committee prior to his formal election by the Assembly for the remainder of the term of office of Han Thein Kyaw, while Koteswara Rao participated on 13 July, prior to his formal election by the Assembly for the remainder of the term of office of Vishnu Dutt Sharma.
6. The Committee re-elected Olav Myklebust as Chair and Duncan Muhumuza Laki as Vice-Chair.
7. The Committee encouraged all members to attend its meetings.

I. Agenda

8. The Committee discussed and adopted its agenda contained in document [ISBA/21/FC/1](#).

* Reissued for technical reasons on 16 July 2015.



II. Implementation of the budget and cost-saving measures

9. The Committee took note of the report on the budget performance for the financial period 2013-2014, and for 1 January 2015 to 31 May 2015. The Committee requested and received clarification on a number of issues, including the use of consultants.

10. The Committee expressed its appreciation to the Secretary-General on the efforts being made to effect savings in the budget of the Authority and requested him to continue those efforts and to submit a report on the same topic in 2016.

III. Audit report on the finances of the International Seabed Authority for 2014

11. The Committee considered the report of KPMG on the audit of the accounts of the Authority for the year 2014. The Committee took note of the report and the opinion of the auditors that the financial statements of the Authority give a true and fair view of the financial position of the International Seabed Authority as at 31 December 2014, and of its financial performance and cash flows for the year ended, in accordance with the financial regulations of the Authority and the United Nations System Accounting Standards.

12. The Committee commended the Secretary-General for the Authority's proper accounting records, as highlighted by the auditors in their report.

13. In reviewing the financial statements for the year ended 31 December 2014, the Committee sought clarification on a number of items, including budget lines with overexpenditures and underexpenditures. The Committee requested that large items in the financial statements be more fully described to enhance transparency. The Committee was fully satisfied with the additional information provided by the Secretary-General.

IV. Appointment of an independent auditor for 2015 and 2016

14. In considering the appointment of an independent auditor for the financial period 2015-2016, the Committee considered the quality of the audits performed by KPMG in 2013 and 2014. After discussion, the Committee decided, in accordance with financial regulation 12, to recommend to the Assembly that KPMG be appointed for two more years to complete its four-year term.

V. Status of the International Seabed Authority Endowment Fund and Voluntary Trust Fund and related matters

15. The Committee took note of the balance of the Endowment Fund in the amount of US\$ 3,468,750, as at 30 June 2015, including accrued interest of \$13,212 intended to be utilized to support the participation of qualified scientists and technical personnel from developing countries in marine scientific research and approved programmes.

16. The Committee expressed its gratitude to Mexico for the contribution of \$7,500 made on 4 September 2014 and to Tonga for the contribution of \$1,000 made on 18 December 2014.

17. The Committee took note of the balance of the Voluntary Trust Fund in the amount of \$225,462, as at 30 June 2015. The Committee expressed its gratitude to China for the contribution of \$20,000 made on 7 July 2014 and to Japan for the contribution of \$21,660 made on 19 September 2014. The Committee also took note with appreciation of a pledge by China to contribute a further \$20,000 to the Voluntary Trust Fund.

18. The Committee reviewed document [ISBA/21/FC/5](#) and expressed concern about the low rate of return of the Endowment Fund. It took note of the status of the Fund and the possible ways in which the income from it may be increased. Following discussions, the Committee decided not to draw upon any of the capital, but instead, recommended that the Secretary-General consult with the United Nations Joint Staff Pension Fund and other United Nations bodies, as well as an investment counsellor, on the steps that might be taken to generate a higher rate of return. The Committee requested the Secretary-General to report in 2016 on the status and outcome of those consultations and to make recommendations on the investment of the Endowment Fund.

19. The Committee reminded the Secretary-General of its request, made in 2014, that a report be prepared on the possibility, from a legal perspective, of considering advances from the Endowment Fund to the Voluntary Trust Fund as grants.

VI. Status of the Working Capital Fund

20. The Committee took note of the status of the Working Capital Fund, as at 30 June 2015, with advances of \$559,601 out of a ceiling of \$560,000.

21. The Committee noted that each member State's share of the Working Capital Fund does not correspond with the latest scale of assessment. As decided by the Committee in 2014, it will revisit this issue in the context of the next revision of the level of the Working Capital Fund.

VII. Status of implementation of the International Public Sector Accounting Standards

22. The Committee commended the Secretary-General for the document on the status of the progress made towards the implementation by the Authority of the International Public Sector Accounting Standards by 1 January 2016 ([ISBA/21/FC/9](#)), and for his efforts to implement those standards.

VIII. Proposal to enhance the presentation of the budget for the financial period 2017-2018 in the light of the International Public Sector Accounting Standards

23. The Committee discussed ways and methods to modernize the presentation of the budget so as to enhance transparency and strategic planning. The Committee considered the current budget format and the options presented in the document entitled “Proposal to enhance the budget presentation for the financial period 2017-2018 in the light of the International Public Sector Accounting Standards” (ISBA/21/FC/6) in its discussions.

24. Following discussions in the Committee, the Committee developed a new budget format, as contained in the annex. The new format would include two expenditure sections, namely: (a) the administrative section, and (b) the substantive programme section, which would comprise six programmes. The income section of the budget would remain as specified in the 2014 report of the Finance Committee showing gross income.

25. The six programmes covering the work of the Authority are:

- (a) Development of the regulatory framework for activities in the Area;
- (b) Protection of the marine environment;
- (c) Management of contracts;
- (d) Data management;
- (e) Promotion and encouragement of marine scientific research in the Area;
- (f) Outreach activities.

26. The budget would include a detailed description of the actions, priorities and objectives within each programme.

27. Within each of the six programmes, there would be subcategories, including:

- (a) Consultants;
- (b) External printing;
- (c) Travel;
- (d) Workshops.

28. The advantages of the new format would include more accountability and transparency with regard to the strategic direction of the Authority and enhanced strategic decision-making by it. Furthermore, this would enable more detailed reporting on the results achieved in each programme area. It is understood that the budget format will be kept under review and will evolve with time.

29. The Committee requested the Secretary-General to use the new budget format for the preparation of the budget proposal for the financial period 2017-2018. The narrative to the budget proposal should describe the programmes and provide explanations on the types of costs to be incurred by each programme, using subcategories, including those mentioned in paragraph 27 above.

IX. Status of implementation of the decision of the Assembly relating to annual overhead charges for contracts for exploration

30. The Committee considered document [ISBA/21/FC/4](#), on the implementation of Assembly decision [ISBA/19/A/12](#) on the annual overhead charge.

31. The Committee noted that, of the 14 exploration contracts that were entered into before 25 July 2013, 10 contractors had agreed to amend their contracts and to pay the overhead charges. The Committee also noted that, for 2016, it was anticipated that 18 of 22 contractors would pay the annual overhead charge.

32. The Committee noted with appreciation the progress and success of the Secretary-General in the negotiation on the overhead charges and encouraged him to continue his consultations with the remaining four contractors to ensure equitable burden-sharing among all contractors.

X. Proposed fee for processing an application for an extension of a contract for exploration

33. The Committee reviewed a detailed analysis, provided by the Secretary-General, of the estimated costs of processing applications for extensions of contracts for exploration, on the basis of the proposed procedures contained in the document entitled, "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 of the Law of the Sea of 10 December 1982" ([ISBA/21/C/WP.1](#)), and sought further clarification. After consideration and further discussion, the Committee determined that the estimated cost for processing an application for extension amounted to \$67,000.

34. The Committee therefore decided to recommend to the Council that, in considering the procedures and criteria for the extension of an approved plan of work for exploration as recommended by the Legal and Technical Commission, the fee for processing an application for extension of a contract should be fixed at \$67,000, and that paragraphs 4 to 6 of the draft procedures and criteria contained in document [ISBA/21/C/WP.1](#) should be adopted as adjusted accordingly.

XI. Financial and budgetary implications of the proposed work programme for the development of regulations for exploitation of marine minerals

35. Following a presentation by the Chair of the Legal and Technical Commission on the development of a regulatory framework for mineral exploitation in the Area, the Committee considered that the implementation of the draft action plan would have significant financial implications for the next budget covering 2017-2018, and recalled accordingly, that a decision by the Council on the draft action plan would have to be reflected in the deliberations on that budget. The Committee noted that the Legal and Technical Commission would be preparing a fully costed plan and

requested that it be available in sufficient time for it to be taken into account when the next budget proposal was prepared.

36. The Committee recommended that the Council and the Assembly request the Secretary-General to endeavour to allocate sufficient resources in the budget for 2015-2016 to the priority deliverables identified in the draft action plan and to report to the Committee on the progress made and the resources used.

XII. Other matters

37. The Committee considered the document entitled “New member of the International Seabed Authority” (ISBA/21/FC/8). The Committee recommended that the State of Palestine, which had become a member of the Authority on 2 January 2015, pay the amounts shown below as its contributions to the general administrative budget of the Authority for 2015 and 2016. Such contributions should be credited as miscellaneous income, in accordance with regulation 7.1 of the Authority’s Financial Regulations.

New member State	Date membership began	United Nations scale of assessment (percentage)		Adjusted International Seabed Authority scale (percentage)		Contributions to the general administrative budget (United States dollars)		Advances to the Working Capital Fund (United States dollars)
		2015	2016	2015	2016	2015	2016	2015
State of Palestine	2 January 2015	0.0025	0.0025	0.01	0.01	578	578	–
Total						578	578	–

38. The Committee expressed its concern about the outstanding contributions from member States in arrears for two or more years in the period (1998-2015) in the amount of \$297,649 and requested the Secretary-General, at his discretion, to continue his efforts to recover those amounts.

39. The Committee welcomed and appreciated the advance publication of its documents on the Authority’s website and encouraged the Secretary-General to continue that practice.

XIII. Recommendations of the Finance Committee

40. In the light of the foregoing, the Committee recommends that the Council and the Assembly of the Authority:

(a) *Appoint* KPMG as independent auditor for 2015 and 2016;

(b) *Request* the Secretary-General to consult with the United Nations Joint Staff Pension Fund and other United Nations bodies, as well as an investment counsellor, on the steps that might be taken to generate a higher rate of return from the Endowment Fund and to report to the Committee in 2016 on the status and outcome of those consultations, and to make recommendations on the investment of the Endowment Fund;

(c) *Take note* of the new format to be used in presenting the budget of the Authority for 2017-2018;

(d) *Set* the fee for processing an application for extension of a contract at \$67,000 and adopt paragraphs 4 to 6 of the draft procedures and criteria contained in document [ISBA/21/C/WP.1](#), as adjusted, accordingly;

(e) *Request* the Secretary-General to endeavour to allocate sufficient resources in the budget for 2015-2016 to the priority deliverables identified in the draft action plan and to report to the Committee on the progress made and the resources used;

(f) *Strongly encourage* those contractors that are still considering their position in relation to the annual overhead charge related to the administration and supervision of their contracts to accept the relevant amendments to the standard terms of contract in order to ensure equitable burden-sharing among all contractors;

(g) *Urge* the members of the Authority to pay their assessed contributions to the budget on time and in full;

(h) *Appeal once more* to the members of the Authority to pay outstanding contributions to the budget of the Authority from previous years as soon as possible and request the Secretary-General, at his discretion, to continue his efforts to recover those amounts;

(i) *Strongly encourage* members to make voluntary contributions to the Endowment Fund and Voluntary Trust Fund of the Authority.

Annex

2017-2018 budget format for expenditures

Section 1. Administrative expenditures

Subsection 1

Established posts
General temporary assistance
Overtime
Common staff costs
Communications
Training
Library books and supplies
Official hospitality
Acquisition of furniture and equipment
Supplies and materials
Miscellaneous services
Information technology
Audit fees
United Nations common system
Building management
Official travel (non-programme)

Total Subsection 1

Subsection 2

Conference services
 Assembly
 Council
 Finance Committee
 Legal and Technical Commission

Total Subsection 2

Total Section 1. Administrative expenditures

Section 2. Programme expenditures

2.1 Development of the regulatory framework for activities in the Area
 Consultants
 External printing
 Travel
 Workshops

Subtotal

2.2 Protection of the marine environment

Consultants
External printing
Travel
Workshops

Subtotal

2.3 Management of contracts

Consultants
External printing
Travel
Workshops

Subtotal

2.4 Data management

Consultants
External printing
Travel
Central data repository
Workshops

Subtotal

2.5 Promotion and encouragement of marine scientific research in the Area

Consultants
External printing
Travel
Workshops

Subtotal

2.6 Outreach activities

Consultants
External printing
Travel
Workshops

Subtotal

Total Section 2. Programme expenditures

Total Administrative and programme expenditures



Assembly

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Twenty-first session

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13-24 July 2015

Decision of the Assembly regarding 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 that article 154, part XI, of the United Nations Convention on the Law of the Sea provides:

Every five years from the entry into force of this Convention, the Assembly shall undertake a general and systematic review of the manner in which the international regime of the Area established in this Convention has operated in practice. In the light of this review the Assembly may take, or recommend that other organs take, measures in accordance with the provisions and procedures of this part and the annexes relating thereto which will lead to the improvement of the operation of the regime.

Having duly considered the note by the Secretary-General,¹

1. *Decides* to undertake, pursuant to article 154 of the Convention, a general and systematic review of the manner in which the international regime of the Area has operated in practice;

2. *Also decides* that such a review shall be carried out under the oversight of a review committee comprising the President and the Bureau of the Assembly, the President of the Council, with the current President of the Assembly remaining a member of the Committee until the completion of the review, and that the Chairs of the regional groups may also participate as observers in the review committee;

3. *Further decides* that the review shall be conducted by consultants appointed by the review committee, based on a short list of qualified consultants prepared by the Secretary-General according to the established procurement procedures of the Authority;

4. *Decides* that the review committee shall meet with the consultants and decide on the scope of the report prior to its drafting; the Committee shall thereafter

¹ ISBA/21/A/4.



monitor the progress of work and present an interim report, including comments by the secretariat, the Legal and Technical Commission and the Finance Committee of the International Seabed Authority, for consideration by the Assembly at its twenty-second session in 2016;

5. *Also decides* that the final report, including any draft recommendations designed to improve the operation of the regime, shall be presented by the review committee to the Assembly at its twenty-third session;

6. *Further decides* that the terms of reference for the review shall be those contained in the annex to the present decision;

7. *Requests* the Secretary-General to provide the necessary and appropriate administrative and logistical support to the review committee and to circulate copies of the final report to all member States of the Authority at least three months in advance of the twenty-third session.

Annex

Terms of reference for 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

1. The International Seabed Authority is an autonomous international organization established under the United Nations Convention on the Law of the Sea and the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. The Authority is the organization through which States parties to the Convention are required, in accordance with the Convention, to organize and control activities in the Area, particularly with a view to administering the resources of the Area.
2. Under article 154 of the Convention, the Assembly of the Authority is required, every five years from the date of entry into force of the Convention, to undertake a general and systematic review of the manner in which the international regime of the Area established in the Convention has operated in practice. The purpose of article 154 is to allow the Assembly to take, or recommend that other organs take, measures, in the light of experience and the changing circumstances of the Authority's existence, that will lead to the improvement of the operation of the regime.
3. The Assembly intends to conduct a periodic review under article 154 at its twenty-third session in 2017. A comprehensive report is to be prepared according to the following terms of reference.
4. The report shall include a review of the manner in which the various organs and subsidiary organs of the Authority have operated in practice and of whether they have effectively performed the functions stipulated in paragraph 5 of section 1 of the annex to the 1994 Agreement. In particular, the report shall include:
 - (a) A review of the level of representation and attendance of members of the Authority at its regular annual sessions;
 - (b) An analysis of the performance of the Assembly as the supreme organ of the Authority in establishing general policies and in the exercise of its additional powers and functions pursuant to article 160, paragraph 2, of the Convention;
 - (c) An analysis of the performance of the Council as the executive organ of the Authority in establishing specific policies to be pursued by the Authority on any question or matter within the competence of the Authority and in the exercise of its additional powers and functions pursuant to article 162, paragraph 2, of the Convention;
 - (d) A review of the structure of the secretariat and of the performance of its functions as referred to in subsection D of section 4 of part XI of the Convention and paragraph 5 of section 1 of the annex to the 1994 Agreement, including its performance of the functions of the Enterprise pursuant to section 2 of the annex to the 1994 Agreement;

(e) A review of the performance, level of representation and attendance of members of the subsidiary organs of the Authority, an analysis of their current and projected workload and the identification of measures that may lead to an improvement of their operations.

*154th meeting
24 July 2015*



Assembly

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24 July 2015

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Twenty-first session

Kingston, Jamaica

13-24 July 2015

Decision of the Assembly relating to financial and budgetary matters

The Assembly of the International Seabed Authority,

Taking into account the recommendations of the Council,

1. *Appoints* KPMG as independent auditor for 2015 and 2016;
2. *Requests* the Secretary-General to consult with the United Nations Joint Staff Pension Fund and other United Nations bodies, as well as an investment counsellor, on the steps that might be taken to generate a higher rate of return from the Endowment Fund, and to report to the Finance Committee in 2016 on the status and outcome of those consultations and make recommendations on the investment of the Endowment Fund;
3. *Takes note* of the new budget format as recommended by the Finance Committee to be used in presenting the budget of the Authority for 2017-2018;
4. *Requests* the Secretary-General to endeavour to identify the cost and sources of funding for the priority deliverables identified in the draft action plan and to report to the Committee on the progress made and the resources used;
5. *Strongly encourages* those contractors that are still considering their position in relation to the annual overhead charge related to the administration and supervision of their contracts to accept the relevant amendments to the standard terms of contract in order to ensure equitable burden-sharing among all contractors;
6. *Urges* the members of the Authority to pay their assessed contributions to the budget on time and in full;
7. *Appeals once more* to the members of the Authority to pay outstanding contributions to the budget of the Authority from previous years as soon as possible and requests the Secretary-General, at his discretion, to continue his efforts to recover those amounts;
8. *Strongly encourages* members to make voluntary contributions to the Endowment Fund and Voluntary Trust Fund of the Authority;



9. *Acknowledges with appreciation* the work of the Finance Committee and commends the Secretary-General on the audit report for 2013-2014.

*154th meeting
24 July 2015*



Assembly

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Kingston, Jamaica

13-24 July 2015

Statement by the President on the work of the Assembly of the International Seabed Authority at its twenty-first session

1. The twenty-first session of the Assembly of the International Seabed Authority was held in Kingston, from 13 to 24 July 2015, and comprised its 150th to 154th meetings.

I. Adoption of the agenda

2. At its 150th meeting, on 14 July, the Assembly adopted the agenda of its twenty-first session ([ISBA/21/A/1](#)).

II. Election of the President and Vice-Presidents

3. At the same meeting, Helmut Tuerk (Austria), the nominee of the Western European and Other States Group, was elected President of the Assembly for the twenty-first session. At the 151st meeting, on 21 July, following consultations of the regional groups, the representatives of Cameroon (African States Group), Chile (Latin American and Caribbean States Group), the Republic of Korea (Asia-Pacific States Group) and the Russian Federation (Eastern European States Group) were elected Vice-Presidents.

III. Election to fill vacancies on the Finance Committee

4. At its 150th meeting, the Assembly elected Mr. Madimi Koteswara Rao (India) and Mr. Ye Minn Thein (Myanmar) as members of the Finance Committee for the remainder of the terms of Mr. Vishnu Dutt Sharma (India) and Mr. Han Thein Kyaw (Myanmar), respectively, that is until 31 December 2016.



IV. Annual report of the Secretary-General

5. At its 151st and 152nd meetings, on 21 July, and 153rd meeting, on 22 July, the Assembly considered and debated the annual report of the Secretary-General of the Authority, submitted in compliance with article 166, paragraph 4, of the United Nations Convention on the Law of the Sea ([ISBA/21/A/2](#)).

6. At the 151st meeting, the Secretary-General introduced his report, which covered the period from July 2014 to June 2015. He highlighted the cordial nature of the relationship between the Authority and the host country, Jamaica, urged coastal States to deposit with him charts and geographical coordinates regarding the outer limits of their continental shelves, as required under article 84, paragraph 2, of the Convention on the Law of the Sea, and welcomed the State of Palestine as the 167th member of the Authority, following its accession to the Convention on 2 January 2015. He also commended Yemen for ratifying the Agreement of 1994 relating to the implementation of part XI of the Convention.

7. Among the items covered by the report of the Secretary-General were the membership of the Authority, relations with the host country, the Protocol on the Privileges and Immunities of the Authority, financial and administrative matters, and the voluntary trust fund and the Endowment Fund for Marine Scientific Research in the Area. The report also contained an account of the latest activities of the Authority and publications available at the Satya N. Nandan Library, information on the venues and subjects of the various seminars and workshops held during the reporting period and a discussion on the progressive development of the regulatory regime for deep-sea mining. The Secretary-General also highlighted the pressing need for members in arrears for two or more years to settle those arrears.

8. The three meetings allocated to the general debate on the report of the Secretary-General saw a record 35 interventions from member States and 11 by observers. After welcoming all the delegations, the Minister for Foreign Affairs and Foreign Trade of Jamaica, Arnold J. Nicholson, addressed concerns raised by the Secretary-General regarding the relations between the Authority and the host country. The Minister commended the efforts of the Authority to build capacity in developing countries through its voluntary trust fund, Endowment Fund and recently established internship programme. He highlighted that, in 2015, the Endowment Fund, through the at sea training programme, had provided two young researchers from Jamaica and Nigeria with the means to acquire valuable training in deep seabed mining investigation in the South-West Indian Ridge. Statements were made by the delegations of Cameroon, Monaco, New Zealand (also speaking on behalf of Australia and Canada), the Russian Federation, South Africa (on behalf of the African States Group), Tonga (on behalf of the Pacific small island developing States) and Trinidad and Tobago.

9. The Assembly also heard interventions from the delegations of Argentina (on behalf of the Latin American and Caribbean States Group), Bangladesh, Brazil, China, Cuba, France, Fiji, Germany, Ghana, Guyana, India, Indonesia, Japan, Kenya, the Marshall Islands, Mexico, Myanmar, Norway, the Philippines, the Republic of Korea, Senegal, Singapore, Thailand and the United Kingdom of Great Britain and Northern Ireland. In addition, statements were made by the observer delegations of the Convention on Biological Diversity, the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, the

International Maritime Organization (IMO), the International Union for Conservation of Nature, the Pacific Community and the World Ocean Council. The Assembly also heard interventions from the representatives of the Deep Sea Conservation Coalition, the Fish Reef Project, Greenpeace, the International Dialogue on Underwater Munitions and the World Wildlife Fund. Speakers expressed their general satisfaction with the detailed report and indicated their support for the work undertaken by the Authority during the reporting period.

10. Several delegations reaffirmed the importance of the voluntary trust fund and the Endowment Fund. As at 30 April 2015, the balance of the voluntary trust fund stood at \$225,187. The most recent contributor had been Japan, with a donation of \$21,660 in September 2014. As at 31 May 2015, the balance of the Endowment Fund stood at \$3,455,538. A total of 66 scientists or government officials from 36 developing countries had benefited from the Endowment Fund. Mexico and Tonga had recently made contributions to the Fund of \$7,500 and \$1,000, respectively.

11. Also speaking on behalf of Australia and Canada, the representative of New Zealand welcomed the progress made towards the formulation of exploitation regulations and the practice of drawing on stakeholders' submissions in the preparation of such regulations. It was emphasized that the Authority should be forward-looking, building on the current momentum, and that the revised draft framework and action plan of the Legal and Technical Commission were exactly what was needed at this point in time. That sentiment was echoed by several delegations. A number of delegations commended the substantial amount of preparatory work already carried out by the Authority and expected further consideration of the exploitation code for polymetallic nodules at the following session of the Authority, in 2016, in particular on the issues of the extension of contractors' licences, draft regulations on the exploitation of minerals in the area and the protection of the marine environment.

12. Many delegations congratulated the Legal and Technical Commission and the secretariat on the work and progress made during the past 12 months. Others stressed the significance of training and capacity-building and the need for developing countries to benefit from ocean resources. One delegation called for a comprehensive assessment to be conducted on the capacity-building needs of member States in relation to ocean affairs and the law of the sea. A number of delegations attached importance to the protection of the marine environment. Several others welcomed the recommendations issued by the Commission for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area. Some delegations commented on the environment management plan for the Clarion-Clipperton Fracture Zone, while others emphasized that the management of activities undertaken in the Area required accurate environmental baseline data.

13. Several delegations supported and echoed the appeal of the Secretary-General to those members of the Authority in arrears in the payment of their assessed contributions for two years or more to honour their obligations and settle their accounts. Others reiterated the call for all coastal States to deposit charts or relevant information describing the outer limits of their continental shelf. A few delegations supported the suggestion made by the Secretary-General to develop a fact sheet explaining the work of the Authority in the area of the protection of the marine

environment and stressed the importance of taxonomy and standardization workshops. Others welcomed the cooperation of the Authority with the Convention for the Protection of the Marine Environment of the North-East Atlantic, IMO, the Pacific Community and other organizations. One delegation stated that it would be desirable to have more permanent missions to the Authority as it would draw the attention of the international community to the relevance of its work.

V. Periodic review pursuant to article 154

14. At its 152nd meeting, the Assembly began its consideration of agenda item 10 on the terms of reference for the periodic review of the international regime of the Area pursuant to article 154 of the Convention. The Secretary-General had prepared a note ([ISBA/21/A/4](#)) containing, among other things, a recommendation for the conduct of such a review and suggested terms of reference. Many delegations expressed general support for the review and some stated that it was long overdue. Differing views were expressed regarding the possible modalities for the conduct of the review. Discussion of the item continued at the 153rd and 154th meetings, on 22 and 24 July, respectively.

15. At its 154th meeting, the Assembly decided among other things to undertake, pursuant to article 154, a general and systematic review of the manner in which the international regime of the Area had operated in practice and that such a review would be carried out under the oversight of a review committee comprising the President and the Bureau of the Assembly, and the President of the Council, with the current President of the Assembly remaining on the committee until the completion of the review. The Assembly also decided that the Chairs of the regional groups might also participate as observers in the review committee. The review would be conducted by consultants appointed by the review committee, based on a shortlist of qualified consultants prepared by the Secretary-General according to the established procurement procedures of the Authority. Details on the scope and terms of reference of the review are contained in document [ISBA/21/A/9](#).

VI. Report and recommendations of the Finance Committee

16. The Assembly heard a briefing by the Chair of the Finance Committee at its 152nd meeting and considered the report of the Committee ([ISBA/21/A/6-ISBA/21/C/15](#)) at its 154th meeting. On the basis of the recommendations of the Council, the Assembly adopted the decisions contained in document [ISBA/21/A/10](#).

VII. Appointment and report of the Credentials Committee

17. At its 151st meeting, the Assembly appointed a Credentials Committee consisting of the following nine members: Argentina, Canada, Czech Republic, Guyana, Indonesia, Nigeria, South Africa, Tonga and United Kingdom.

18. The Credentials Committee held one meeting, on 22 July 2015, during which it elected Indera Persaud (Guyana) as its Chair for the present session. The Committee examined the credentials of the representatives participating in the

session. The Committee had before it a memorandum by the secretariat dated 22 July 2015 on the status of those credentials.

19. At its 154th meeting, the Assembly adopted the report of the Committee. The decision of the Assembly relating to credentials is contained in document [ISBA/21/A/8](#).

VIII. Dates of the next session of the Assembly

20. The twenty-second session of the Assembly will be held from 11 to 22 July 2016. It will be the turn of the Asia-Pacific States Group to nominate a candidate for the Presidency of the Assembly in 2016.

IX. Other matters

21. Before the closure of the twenty-first session, the delegation of Trinidad and Tobago raised a question on procedures regarding decisions of the Council requiring the approval of the Assembly and stated that it would be raising that matter at the twenty-second session.

COUNCIL

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ISBA/21/C/18	Decision of the Council relating to financial and budgetary matters
ISBA/21/C/19*	Decision of the Council of the International Seabed Authority 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/20	Decision of the Council of the International Seabed Authority relating to the summary report of the Chair of the Legal and Technical Commission
ISBA/21/C/21	Summary report of the President of the Council of the International Seabed Authority on the work of the Council during the twenty-first session



Council

Distr.: General
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Twenty-first session

Kingston, Jamaica

13-24 July 2015

Report and recommendations of the Legal and Technical Commission to the Council of the International Seabed Authority relating to an application for the approval of a plan of work for exploration for polymetallic nodules by China Minmetals Corporation

I. Introduction

1. On 8 August 2014, the Secretary-General of the International Seabed Authority received an application from China Minmetals Corporation for the approval of a plan of work for exploration for polymetallic nodules in the Area (see [ISBA/21/LTC/5](#)). The application was submitted pursuant to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area ([ISBA/19/C/17](#), annex). The area under application is located within the areas reserved for the Authority pursuant to article 8 of annex III to the United Nations Convention on the Law of the Sea, adopted in 1982.

2. In accordance with regulation 20, paragraph 1 (c) of the Regulations, by a note verbale dated 11 August 2014, the Secretary-General notified the members of the Authority of the receipt of the application and circulated information of a general nature concerning the application. The Secretary-General also placed consideration of the application on the agenda of the meeting of the Legal and Technical Commission held from 16 to 27 February 2015.

II. Methodology for consideration of the application by the Legal and Technical Commission

A. General methodology applied by the Commission in consideration of the application

3. In its consideration of the application, the Commission noted that, in keeping with the scheme established in article 6 of annex III to the Convention, it was first required to make an objective determination as to whether the applicant had fulfilled



the requirements contained in the Regulations, particularly with respect to the form of applications; had provided the necessary undertakings and assurances specified in regulation 14; possessed the necessary financial and technical capability to carry out the proposed plan of work for exploration; and, as appropriate, had satisfactorily discharged its obligations under any previous contract with the Authority. The Commission was then required to determine, in accordance with regulation 21, paragraph 4, whether the proposed plan of work for exploration would provide for effective protection of human health and safety and for effective protection and preservation of the marine environment, and would ensure that installations were not established where interference might be caused to the use of recognized sea lanes essential to international navigation or in areas of intense fishing activity. Regulation 21, paragraph 5, provides that if the Commission makes the determinations specified in regulation 21, paragraph 3, and determines that the proposed plan of work for exploration meets the requirements of regulation 21, paragraph 4, the Commission shall recommend approval of the plan of work for exploration to the Council.

4. In considering the proposed plan of work for exploration for polymetallic nodules, the Commission took into account the principles, policies and objectives relating to activities in the Area, as provided for in part XI of and annex III to the Convention and in the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.

B. Consideration of the application

5. The Commission considered the application in closed meetings on 18, 19, 20 and 26 February 2015.

6. Prior to commencing a detailed examination of the application, the Commission invited the head of delegation, Feng Guiquan, Senior Vice President of China Minmetals Corporation, to make a presentation of the application. He was accompanied by Yang Ning, Assistant to General Manager of Changsha Institute of Mining and Research Co. Ltd., who presented the legal and technical aspects of the application. The following were also present: Liu Ningwu, General Manager, Science and Technology Management Department, China Minmetals Corporation; Wang Chunsheng, Researcher, Second Institute of Oceanography; He Gaowen, Deputy Chief Engineer, Guangzhou Marine Geological Survey; Bi Liyan, Deputy General Manager of Legal Affairs Division, China Minmetals Corporation; Li Maolin, Deputy General Manager of Changsha Institute of Mining and Research Co. Ltd.; Chen Xinming, Director of Changsha Institute of Mining and Research Co. Ltd.; Liao Bo, Project Manager, Science and Technology Management Department, China Minmetals Corporation; Zheng Hao, Project Assistant Manager, Science and Technology Management Department, China Minmetals Corporation; Zhou Yong, Deputy Director, Department of Treaty and Law, Ministry of Foreign Affairs of China; Zheng Cheng, Officer, Department of Treaty and Law, Ministry of Foreign Affairs of China; Wu Guanghai, Deputy Representative, Permanent Mission of China to the International Seabed Authority; and Li Linlin, Second Secretary, Permanent Mission of China to the International Seabed Authority. Members of the Commission then asked questions to clarify certain aspects of the application before convening in closed session to examine the application in detail. Following its initial consideration, the Commission decided to request its Chair to transmit a list

of questions to the applicant in writing. The written responses provided by the applicant, which supplemented the equivalent parts of the application originally submitted, were taken into account by the Commission in its consideration.

III. Summary of basic information regarding the application

A. Identification of the applicant

7. Information on the applicant is as follows:

- (a) Name: China Minmetals Corporation;
- (b) Street address: Plaza A, No. 3 Chaoyangmen North Avenue, Dongcheng District, Beijing, China;
- (c) Postal address: same as above;
- (d) Telephone number: 86 10 601 69000;
- (e) Facsimile number: 86 10 601 67666;
- (f) E-mail address: haoxu@minmetals.com.
- (g) Applicant's place of registration and principal place of business/domicile: Beijing, China.

8. Information on the applicant's designated representative is as follows:

- (a) Name: Zhou Zhongshu;
- (b) Street address: same as in paragraph 7 above;
- (c) Telephone number: same as in paragraph 7 above;
- (d) Facsimile number: same as in paragraph 7 above;
- (e) E-mail address: same as in paragraph 7 above.

9. The applicant provided the Commission with the latest copy of the renewed certificate of registration, issued on 9 July 2012 by the State Administration for Industry and Commerce of China, which attests to the applicant's existence and to its legal status as a State enterprise. The applicant also stated that it was under the effective control of the sponsoring State and had its headquarters in Beijing.

B. Sponsorship

10. The sponsoring State is China.

11. The date of deposit of China's instrument of ratification of the Convention and the date of its consent to be bound by the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea is 7 June 1996.

12. The certificate of sponsorship is dated 8 July 2014 and signed by Liu Cigui, Administrator of the State Oceanic Administration of China.

13. The certificate of sponsorship states that the applicant is under the effective control of the sponsoring State, which declares to assume responsibility in

accordance with article 139 and paragraph 4 of article 153 of the Convention, and with article 4, paragraph 4, of annex III to the Convention.

C. Area under application

14. The area under application covers a surface area of 72,745 km² in the Clarion-Clipperton Fracture Zone of the Pacific Ocean. The reserved areas under application were contributed by Yuzhmorgeologiya, Interoceanmetal Joint Organization and China Ocean Mineral Resources Research and Development Association. The area consists of eight blocks, which are distributed across the Fracture Zone, as shown in the map in the annex to the present report. The blocks are referred to on the map as A-1 (8,661 km²), A-2 (6,935 km²), A-3 (5,747 km²), A-4 (13,128 km²), A-5 (22,821 km²), A-6 (5,346 km²), A-7 (5,537 km²) and A-8 (4,570 km²). The coordinates and general location of the areas under application are shown in the annex to the present document.

15. The Commission drew the attention of the applicant to the potential risks involved with the selection of small areas for exploration, given the constraints on activities in the Area that will arise from contractors executing their environmental obligations, including the establishment of impact reference zones and preservation reference zones.

D. Other information

16. In accordance with regulation 14, the application includes a written undertaking dated 2 July 2014 and signed by the applicant's designated representative (see paragraph 8 above).

17. The applicant also informed the Commission that it had considered the possible existence of submarine cables or pipelines in the area under application. The applicant stated that it attached great importance to the mutual accommodation of activities in the Area and in the marine environment, as stipulated in article 147 of the Convention and relevant provisions of the Regulations. In accordance with relevant international law, the applicant declared that it would take all necessary measures to ensure the proper protection of submarine cables or pipelines. It also indicated its willingness to cooperate actively and fully with the Authority and the owners and operators of submarine cables or pipelines.

18. The applicant has paid a fee of \$500,000 in accordance with regulation 19.

IV. Examination of information and technical data submitted by the applicant

19. The following technical documents were submitted in the application:

(a) Information relating to the area under application:

(i) Boundaries of the area under application, by a list of geographic coordinates in accordance with the World Geodetic System 1984 geographical projection system, with the area calculated as being within Universal Transverse Mercator projection zone 6N;

- (ii) Maps of the area under application;
- (b) Information to enable the Council to determine whether the applicant is financially capable of carrying out the proposed plan of work for exploration;
- (c) Information to enable the Council to determine whether the applicant is technically capable of carrying out the proposed plan of work for exploration;
- (d) Plan of work for exploration;
- (e) Training programmes.

V. Consideration of financial and technical qualifications of the applicant

A. Financial capacity

20. In evaluating the financial capacity of the applicant, the Commission noted that the applicant was an international conglomerate with activities in 34 countries. The applicant indicated that it was mainly engaged in metal and mineral exploration, mining, smelting, processing and trade, and in mining and metallurgical technology development. It produces hard alloys, antimony oxide and rare earth elements. The applicant stated that it was ranked 133rd in the Fortune Global 500 list, and second among metals companies. It declared itself financially capable of carrying out the proposed plan of work for exploration. In accordance with regulation 12, paragraph 4, the applicant provided a financial statement dated 25 June 2014 and signed by the Minister of Finance of China, certifying the applicant's financial capability to implement the proposed plan of work for exploration and to fulfil its financial obligations to the Authority. The applicant also declared that it is not affiliated with China Ocean Mineral Resources Research and Development Association and that both entities are separate legal persons.

B. Technical capacity

21. In evaluating the technical capacity of the applicant, the Commission noted that the applicant could draw on its extensive experience in exploration and metallurgical processing technology for polymetallic nodules, and in its conduct of at least 10 geological, geophysical and environmental surveys and sampling of polymetallic nodules, cobalt-rich ferromanganese crusts and polymetallic sulphides beginning in 1983. The applicant stated that it has since become an important stakeholder for China's deep-sea mining and resources processing, research and development, and is the most important State-owned laboratory of deep-sea mineral resource development. The applicant also declared that it would cooperate closely with the Guangzhou Marine Geological Survey and the Second Institute of Oceanography.

22. The applicant explained that the exploration activities would take place in three five-year phases. The aim of the planned surveys would be to obtain information and data required for mineral resource estimation, environmental assessments and mining and metallurgical tests. The objectives of the environmental studies and impact assessments were to establish environmental baselines of the

area under application and of adjacent areas and to delineate impact reference zones and preservation reference zones, as required by the environmental guidelines and recommendations of the Authority; to analyse the distribution and characteristics of communities and species; and to assess the potential environmental impact of polymetallic nodule mining. The proposed activities regarding mining and metallurgical processing technology involve research on, and upgrade of, key components; design of a commercial mining system and environmental impact assessment of mining tests; monitoring of possible impacts during and after testing; and development of new processing technology and new methods for the direct utilization of polymetallic nodules. With respect to mineral resource or reserve assessments, the planned work includes the study of the quality, quantity and distribution of polymetallic nodules, the estimation of inferred mineral resources, the conduct of feasibility studies and the estimation of mineral reserves, if the conditions are suitable.

23. The Commission was provided with detailed information on the applicant's objectives, schedules and methods, including proposed cruises, for the first five-year period. The applicant proposed to carry out geological sampling and geophysical surveys in order to delineate mineralized zones and estimate inferred resources. The applicant explained that it would conduct a preliminary environmental baseline survey for physics, biology, chemistry and geology, and a preliminary investigation on biodiversity, in the area under application and its adjacent areas. The development and testing of mining technology are also part of the proposed programme of activities and the applicant also proposes to conduct research on, and experimental validation of, key technology, and research on new methods of smelting and processing.

24. The Commission was also provided with technical information in relation to the applicant's previous experience, technical qualifications and expertise, and exploration methods and equipment relevant to the proposed plan of work for exploration, including research vessels, multibeam echo bathymetry, deep tow acoustic and sub-bottom profiling systems, autonomous underwater vehicles, and sampling equipment for environmental and geological surveying. The applicant declared its intent to cooperate with the Authority and its contractors, including those who contributed the reserved areas under application, in order to collect additional data and information and to carry out a comparison study.

25. The applicant also provided information related to the prevention, reduction and control of hazards to and possible impacts on the marine environment. The vessels to be used will conform to international safety and environmental practice standards, including the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto. The applicant stated that it had the capacity to respond to any incidents arising from the implementation of the proposed plan of work and declared that it would take preventive measures, follow best environmental practice and formulate appropriate contingency plans in accordance with the Regulations. The applicant indicated that an oil spill contingency plan and processing specifications were already in force. In order to respond to oil spill accidents, the research vessels had appropriate equipment, such as oil containment booms and oil collectors, and trained crews.

26. The Commission received information on the proposed programme of oceanographic and environmental baseline studies, which will focus on the

collection, analysis and reduction of physical, biological, chemical and geological environmental baseline data and samples, and the testing of potential mining collector systems. The applicant intends to cooperate extensively with other contractors and the international community. The application included a preliminary assessment of the possible impact of the proposed exploration activities on the marine environment in line with the Regulations and with the recommendations of the Commission for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area (ISBA/19/LTC/8).

VI. Consideration of data and information submitted for approval of the plan of work for exploration for polymetallic nodules

27. In accordance with regulation 18, the application included the following information for approval of the plan of work for exploration:

(a) General description and a schedule of the proposed programme of activities for exploration to be undertaken in the first five-year period, such as studies to be undertaken in respect of the environmental, technical, economic and other appropriate factors that must be taken into account in exploration;

(b) Description of the programme for oceanographic and environmental baseline studies that will be carried out in accordance with the Regulations and environmental rules, regulations and procedures established by the Authority. These baseline studies will enable an assessment of the potential environmental impact of the proposed exploration activities, taking into account any recommendations issued by the Legal and Technical Commission;

(c) Preliminary assessment of the possible impact of the proposed exploration activities on the marine environment;

(d) Description of proposed measures for the prevention, reduction and control of pollution and other hazards to, as well as possible impacts on, the marine environment;

(e) Data necessary for the Council to make the determination it is required to make in accordance with regulation 12, paragraph 1;

(f) Schedule of anticipated yearly expenditures in respect of the programme of activities for the first five-year period.

VII. Training programmes

28. The applicant provided details about the training programmes, in accordance with regulation 27 and with section 8 of annex IV to the Regulations. The applicant proposed to provide training opportunities for 10 trainees from developing countries and the Authority during the first five-year period of the proposed plan of work for exploration. Participants will be offered a training programme on at-sea exploration or engineering, or a fellowship programme. The Commission acknowledged the willingness of the applicant to create other training opportunities, especially at-sea

training for scientists from developing countries, in cooperation with the Authority through its Endowment Fund and other resources.

VIII. Conclusion and recommendations

29. Having examined the particulars submitted by the applicant, which are summarized in sections III to VII above, the Commission is satisfied that the application has been duly submitted in accordance with the Regulations and that the applicant is a qualified applicant, as set out in articles 4 and 9 of annex III to the Convention and regulation 17. The Commission is further satisfied that the applicant:

- (a) Has complied with the provisions of the Regulations;
- (b) Has given the undertakings and assurances specified in regulation 14;
- (c) Possesses the financial and technical capability to carry out the proposed plan of work for exploration.

30. The Commission is satisfied that none of the conditions in regulation 21, paragraph 6, apply.

31. The Commission is satisfied that the proposed plan of work for exploration will:

- (a) Provide for effective protection of human health and safety;
- (b) Provide for effective protection and preservation of the marine environment;
- (c) Ensure that installations are not established where interference may be caused to the use of recognized sea lanes essential to international navigation or in areas of intense fishing activity.

32. Accordingly, pursuant to regulation 21, paragraph 5, the Commission recommends to the Council approval of the plan of work for exploration for polymetallic nodules submitted by China Minmetals Corporation.

Annex

A. List of coordinates of the area under application

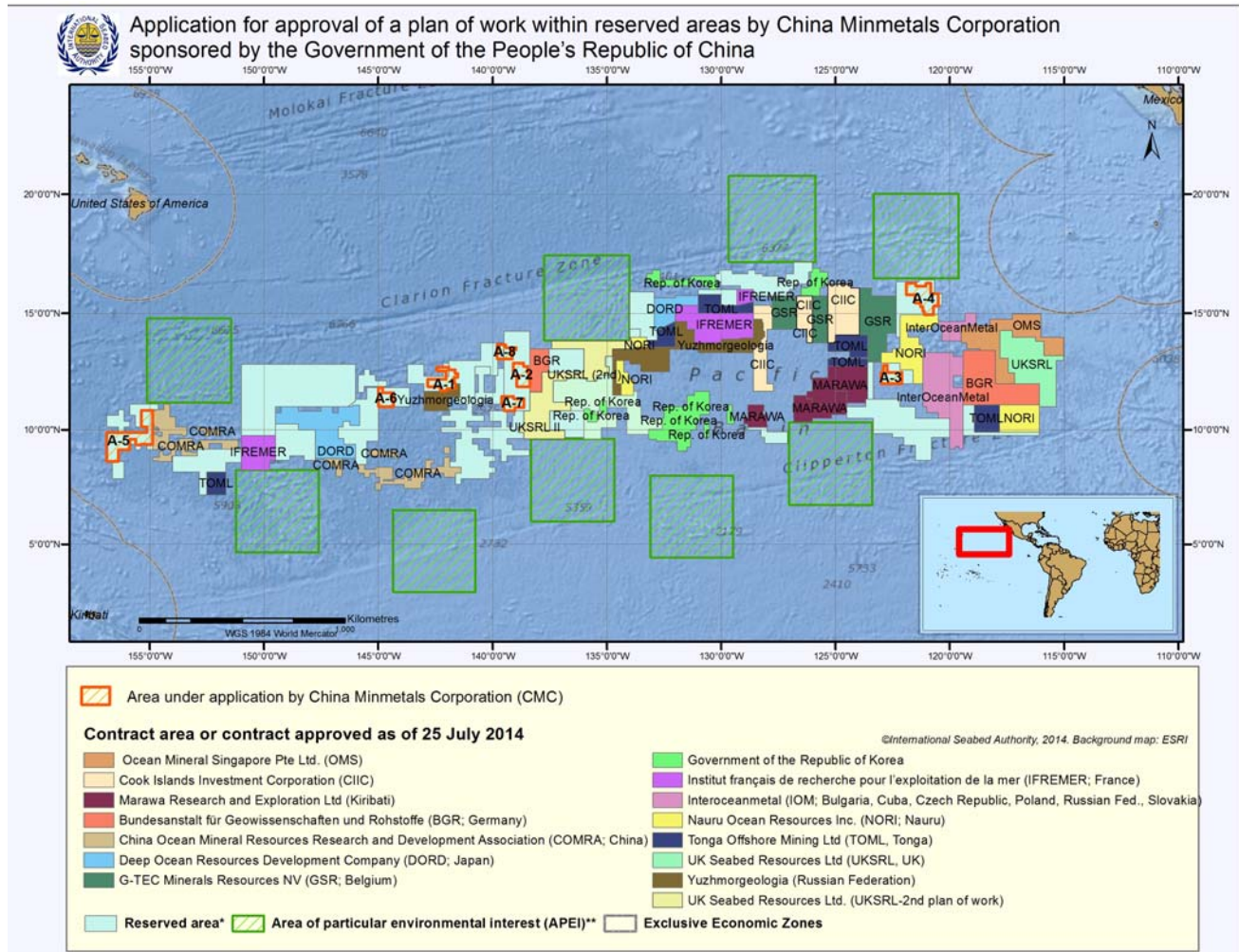
(In degrees, minutes, seconds format in accordance with the World Geodetic System 1984 geographical projection system)

Block number	Turning point	Longitude West			Latitude North		
		(degrees)	(minutes)	(seconds)	(degrees)	(minutes)	(seconds)
A-1	1	141	55	0.12	12	35	27.96
	2	141	37	49.44	12	35	27.96
	3	141	37	49.44	12	25	35.40
	4	141	30	59.76	12	25	35.40
	5	141	30	59.76	12	16	33.60
	6	141	40	27.12	12	16	33.60
	7	141	40	27.12	11	58	32.88
	8	141	37	21.72	11	58	32.88
	9	141	37	21.72	11	47	22.56
	10	142	0	20.52	11	47	22.56
	11	142	0	20.52	11	40	58.44
	12	142	16	35.40	11	40	58.44
	13	142	16	35.40	11	51	42.84
	14	142	50	17.88	11	51	42.84
	15	142	50	17.88	12	11	37.32
	16	142	2	6.00	12	11	37.32
	17	142	2	6.00	12	32	36.96
	18	142	26	5.28	12	32	36.96
	19	142	26	5.28	12	42	10.44
	20	141	55	0.12	12	42	10.44
A-2	1	138	38	43.08	12	44	9.24
	2	138	27	51.84	12	44	7.80
	3	138	27	51.84	12	26	22.56
	4	138	22	26.40	12	26	22.56
	5	138	22	26.40	11	51	57.24
	6	138	56	29.04	11	51	57.24
	7	138	56	29.04	12	13	41.88
	8	138	50	42.36	12	13	41.88
	9	138	50	42.36	12	19	51.60
	10	139	5	4.20	12	19	51.60
	11	139	5	4.20	12	52	30.90
	12	138	38	43.08	12	52	30.90
A-3	1	122	44	20.04	12	28	22.08
	2	122	5	45.60	12	28	22.08
	3	122	5	45.60	12	0	0.00

Block number	Turning point	Longitude West			Latitude North		
		(degrees)	(minutes)	(seconds)	(degrees)	(minutes)	(seconds)
A-4	4	123	0	0.00	12	0	0.00
	5	123	0	0.00	12	28	13.80
	6	122	54	11.16	12	28	13.80
	7	122	54	11.16	12	46	57.00
	8	122	44	20.04	12	46	57.00
	1	121	28	28.20	16	9	18.00
	2	121	2	29.76	16	9	18.00
	3	121	2	29.76	16	16	42.60
	4	120	49	51.96	16	16	42.60
	5	120	49	51.96	15	49	50.88
	6	120	30	8.28	15	49	50.88
	7	120	30	8.28	15	18	10.80
	8	120	42	53.28	15	18	10.80
	9	120	42	53.28	14	56	6.00
	10	121	5	51.36	14	56	6.00
	11	121	5	51.36	15	5	9.96
	12	121	10	24.24	15	5	9.96
	13	121	10	24.24	15	16	11.28
	14	121	16	32.52	15	16	11.28
	15	121	16	32.52	15	26	18.24
16	121	30	55.44	15	26	18.24	
17	121	30	55.44	15	46	56.64	
18	121	53	52.80	15	46	56.64	
19	121	53	52.80	16	16	49.44	
20	121	28	28.20	16	16	49.44	
A-5	1	154	52	30.00	9	21	30.96
	2	155	7	30.00	9	21	30.96
	3	155	7	30.00	9	22	30.00
	4	155	22	30.00	9	22	30.00
	5	155	22	30.00	9	20	45.60
	6	155	37	6.60	9	20	29.76
	7	155	37	6.60	9	35	28.68
	8	155	52	30.00	9	35	28.68
	9	155	52	30.00	9	7	30.00
	10	156	22	30.00	9	7	30.00
	11	156	22	30.00	8	37	30.00
	12	156	52	30.00	8	37	30.00
	13	156	52	30.00	9	52	30.00
	14	155	7	30.00	9	52	30.00

<i>Block number</i>	<i>Turning point</i>	<i>Longitude West</i>			<i>Latitude North</i>		
		<i>(degrees)</i>	<i>(minutes)</i>	<i>(seconds)</i>	<i>(degrees)</i>	<i>(minutes)</i>	<i>(seconds)</i>
	15	155	7	30.00	10	7	30.00
	16	155	22	28.20	10	7	30.00
	17	155	22	28.20	10	50	20.40
	18	154	52	30.00	10	50	20.40
A-6	1	144	49	6.60	11	36	24.48
	2	144	20	19.32	11	36	24.48
	3	144	20	19.32	11	0	0.00
	4	145	0	0.00	11	0	0.00
	5	145	0	0.00	11	49	59.88
	6	144	49	6.60	11	49	59.88
A-7	1	139	5	20.40	11	20	36.24
	2	138	38	2.04	11	20	36.24
	3	138	38	2.04	10	58	25.68
	4	139	1	32.88	10	58	25.68
	5	139	1	32.88	10	49	59.52
	6	139	30	0.00	10	49	59.52
	7	139	30	0.00	11	7	30.00
	8	139	35	60.00	11	7	30.00
	9	139	35	60.00	11	26	21.84
	10	139	5	20.40	11	26	21.84
A-8	1	139	26	0.24	13	32	33.72
	2	138	58	48.00	13	32	33.72
	3	138	58	48.00	13	26	52.80
	4	139	8	24.00	13	26	52.80
	5	139	8	24.00	13	3	28.80
	6	139	48	0.00	13	3	28.80
	7	139	48	0.00	13	40	8.76
	8	139	26	0.24	13	40	8.76

B. Map of the general location of the area under application





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Laws, regulations and administrative measures adopted by sponsoring States and other members of the International Seabed Authority with respect to the activities in the Area

Report of the Secretary-General

1. At the seventeenth session of the International Seabed Authority, in 2011, the Council of the Authority adopted a decision in which it requested the Secretary-General to prepare a report on the laws, regulations and administrative measures adopted by sponsoring States and other members of the Authority with respect to the activities in the Area, and invited sponsoring States and other members of the Authority, as appropriate, to provide information on, or texts of, relevant national laws, regulations and administrative measures to the secretariat (see [ISBA/17/C/20](#)).
2. At the eighteenth session of the Authority, in 2012, in response to that request, the Secretary-General presented to the Council a report on the laws, regulations and administrative measures adopted by sponsoring States and other members of the Authority with respect to the activities in the Area ([ISBA/18/C/8](#) and Add.1). After consideration of the report, the Council requested the Secretary-General to update, on an annual basis, the study of the laws, regulations and administrative measures adopted by sponsoring States and other members of the Authority with respect to activities in the Area, and to invite, for that purpose, sponsoring States and other members of the Authority to provide texts of relevant national laws, regulations and administrative measures to the secretariat (see [ISBA/18/C/21](#)).
3. At the nineteenth and twentieth sessions of the Authority, in 2013 and 2014, the Secretary-General presented to the Council updated reports on the matter ([ISBA/19/C/12](#) and [ISBA/20/C/11](#) and Add.1). In addition, the secretariat established an online database of the information on, or texts of, national laws, regulations and administrative measures that sponsoring States and other members of the Authority had submitted.
4. On 12 March 2015, the secretariat circulated a note verbale further inviting sponsoring States and other members of the Authority to submit to the secretariat texts of their relevant national laws, regulations and administrative measures or



related information. In response to that note, India, Nigeria and Singapore submitted their legislation. Mexico confirmed that no modifications or updates had occurred to its existing legislation with respect to the Area during the period.

5. As at 30 May 2015, the following States had provided information on or texts of relevant national legislation: Belgium, China, Cook Islands, Czech Republic, Fiji, France, Germany, Guyana, India, Japan, Mexico, Nauru, Netherlands, New Zealand, Nigeria, Niue, Oman, Republic of Korea, Singapore, Tonga, United Kingdom of Great British and Northern Ireland, United States of America and Zambia. A submission had also been received from the South Pacific Commission on behalf of the Pacific Islands region. Such information on, or texts of, national laws, regulations and administrative measures submitted by the above-mentioned States or members of the Authority are available on the Authority's website (www.isa.org.jm/national-legislation-database).

6. The secretariat will continue to keep the online database updated as new information is received. The secretariat was unable to complete a comprehensive study of the existing national legislation as scheduled, however, owing to the limited resources available and the need to prioritize other activities. That work will be continued in due course, as resources permit.

7. The Council is invited to take note of the present report.

Annex

List of the legislation

I. General

United Nations Convention on the Law of the Sea, Montego Bay, 10 December 1982. In force 16 November 1994. United Nations *Treaty Series*, vol. 1833, No. 1-31363, p. 397; 21 *International Legal Materials* 1261 (1982).

Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. In force 28 July 1994. General Assembly resolution 48/263; 33 *International Legal Materials* 1309 (1994); United Nations *Treaty Series*, vol. 1836, No. 1-31364, p. 42.

Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. Adopted 13 July 2000 ([ISBA/6/A/18](#), annex, dated 4 October 2000), amended in 2013 ([ISBA/19/C/17](#), annex, dated 22 July 2013) and further amended in 2014 ([ISBA/20/A/9](#), annex, dated 24 July 2014).

Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area. Adopted 7 May 2010 ([ISBA/16/A/12/Rev.1](#), annex, dated 15 November 2010) and amended in 2014 ([ISBA/20/A/10](#), annex, dated 24 July 2014).

Regulations on Prospecting and Exploration for Cobalt-rich Ferromanganese Crusts in the Area. Adopted 27 July 2012 ([ISBA/18/A/11](#), annex, dated 22 October 2012).

II. National legislation

Belgium

30 July 2013 — Act introducing provisions regulating the matters covered by article 77 of the Constitution into the Act of 17 August 2013, on prospecting and exploration for, and exploitation of, resources of the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.

17 August 2013 — Act on prospecting and exploration for, and exploitation of, resources of the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.

China

Mineral Resources Law of the People's Republic of China. Adopted at the 15th meeting of the Standing Committee of the Sixth National People's Congress on 19 March 1986. Revised in accordance with the Decision of the Standing Committee of the National People's Congress on Revising the Mineral Resources Law of the People's Republic of China, adopted at the 21st meeting of the Standing Committee of the Eighth National People's Congress on 29 August 1996.

Rules for Implementation of the Mineral Resources Law of the People's Republic of China. Promulgated by Decree No. 152 of the State Council of the People's Republic of China on 26 March 1994. Effective as of the date of promulgation.

Marine Environmental Protection Law of the People's Republic of China. Adopted at the 24th meeting of the Standing Committee of the Fifth National People's Congress on 23 August 1982. Effective as of 1 March 1983. Revised at the 13th meeting of the Standing Committee of the Ninth National People's Congress on 25 December 1999 and further revised at the 6th meeting of the Standing Committee of the Twelfth National People's Congress on 28 December 2013.

Administrative Regulation on the Prevention and Treatment of the Pollution and Damage to the Marine Environment by Marine Engineering Construction Projects. Adopted at the 148th executive meeting of the State Council on 30 August 2006. In force as of 1 November 2006.

Cook Islands

Seabed Minerals Act 2009.

Model Seabed Minerals Agreement of April 2011.

Czech Republic

Prospecting, Exploration for and Exploitation of Mineral Resources from the Seabed beyond Limits of National Jurisdiction. Act No. 158/2000 of 18 May 2000.

Fiji

International Seabed Mineral Management Decree 2013, Decree No. 21.

France

Note verbale dated 22 March 2013 from the Embassy of France in Jamaica.

Germany

Seabed Mining Act of 6 June 1995 (the Act). Amended by article 74 of the Act of 8 December 2010 (*Federal Law Gazette I*, p. 1,864).

Guyana

Maritime Zones Act 2010 — Act No. 18 of 2010. In force as of 18 September 2010.

India

The Offshore Areas Mineral (Development and Regulation) Act 2002.

Japan

Law on Interim Measures for Deep Sea-bed Mining, 1982.

Mining Act. Adopted 20 December 1950. Amended 22 July 2011.

Mexico

Report on the laws, regulations and administrative measures of Mexico on underwater mining. Submitted by the Embassy of Mexico in Jamaica on 21 December 2011.

Guide for the presentation of environmental impact statements for the mining sector and analysis of gaps and omissions in the conservation of marine biodiversity in Mexican oceans, coasts and islands of the Ministry of the Environment and Natural Resources of Mexico. Submitted by the Embassy of Mexico in Jamaica on 21 December 2011.

General Law on Ecological Balance and the Protection of the Environment. *Official Gazette*, 28 January 1988. Reform and update of 4 June 2012.

Regulations of the General Law on Ecological Balance and the Protection of the Environment on Environmental Impact Assessment. *Official Gazette*, 30 May 2000. Reform and update of 26 April 2012.

Mining Law. *Official Gazette*, 26 June 1992. Amended 28 April 2005.

National environmental policy for the sustainable development of Mexico's oceans and coasts: strategies for their conservation and sustainable use (see [A/61/372](#), annex).

Nauru

See Pacific Islands region.

Netherlands

Note verbale dated 26 March 2013 from the Permanent Mission of the Netherlands.

New Zealand

United Nations Convention on the Law of the Sea Act 1996.

Nigeria

Nigerian Minerals and Mining Act, 2007.

Nigerian Minerals and Mining Regulations, 2011.

Niue

Maritime Zones Act 2013.

Oman

Royal Decree No. 2011/8 regulating oil and gas exploration; and Royal Decree No. 2003/27 and Ministerial Decree No. 2011/77 regulating mineral exploration (Regulations of the Mining Act).

Pacific Islands region

Pacific-ACP States Regional Legislative and Regulatory Framework for Deep Sea Minerals Exploration and Exploitation. Secretariat of the Pacific Community-European Union Deep Sea Minerals Project, 18 April 2012.

Republic of Korea

Note verbale dated 2 April 2013 from the Permanent Mission of the Republic of Korea.

Status of legislation related to Deep Seabed Activity by the Government of the Republic of Korea.

Singapore

Deep Seabed Mining Act 2015.

Tonga

See Pacific Islands region.

United Kingdom of Great Britain and Northern Ireland

Deep Sea Mining (Temporary Provisions) Act 1981, as amended by Deep Sea Mining Act 2014, effective 14 July 2014.

Zambia

Environmental Protection and Pollution Control Act (No. 12 of 1990); and (Amendment) Act 1999 (No. 12 of 1999) — Cap 204 of the Law of Zambia.

III. Reciprocating States legislation

France. Law on the Exploration and Exploitation of Mineral Resources on the Deep Sea-bed 1981, Law No. 81-1135 of 23 December 1981.

Germany. Act on Interim Regulation of Deep Seabed Mining 1980, dated 16 August 1980 (English translation) (1981). *International Legal Materials*, XX, p. 393.

Italy. Regulations on the Exploration and Exploitation of the Mineral Resources of the Deep Seabed, Law No. 41 of 20 February 1985.

Japan. Law on Interim Measures for Deep Sea-bed Mining, 1982. *International Legal Materials*, 22 (1) (1983), pp. 102-122.

New Zealand. Continental Shelf Act 1964.

Union of Soviet Socialist Republics. [Edict on] Provisional Measures to Regulate the Activity of Soviet Enterprises relating to the Exploration and Exploitation of Mineral Resources of Sea-bed Areas beyond the Limits of the Continental Shelf, 17 April 1982.

United Kingdom. Deep Sea Mining (Temporary Provisions) Act 1981. 1981 chapter 53, 28 July 1981.

United Kingdom. Deep Sea Mining (Exploration Licences) (Applications) Regulations 1982, No. 58. Effective 25 January 1982.

United Kingdom. Deep Sea Mining (Exploration Licences) Regulations 1984, No. 1230. In operation on 3 September 1984.

United States. Deep Seabed Hard Mineral Resources Act, 1980. Public Law 96-283, 28 June 1980, 94 Stat. 553 (30 U.S.C. 1401 et seq.), as amended 1 July 2000.

IV. National legislation of an observer State

United States of America

Deep Seabed Hard Mineral Resources Act, 1980. Public Law 96-283, 28 June 1980, 94 Stat. 553 (30 U.S.C. 1401 et seq.), as amended 1 July 2000.

Deep Seabed Mining Regulations Affecting Pre-enactment Explorers. 45 Fed. Reg. 226 (20 November 1980), pp. 76661-76663.

Deep Seabed Mining Regulations for Exploration Licenses 1980. 46 Fed. Reg. 45896 (15 September 1981); 15 Code of Federal Regulations, Part 970.

Deep Seabed Mining Regulations for Commercial Recovery Permits, 54 Fed. Reg. 525 (6 January 1989); 15 Code of Federal Regulations, Part 971.

Guidelines for Obtaining Minerals other than Oil, Gas and Sulphur on the Outer Continental Shelf of the United States Department of the Interior, Minerals Management Service (MMS) (Public Law 103-426, enacted 31 October 1994; 108 Stat. 4371). OCS Report. MMS 99-0070 (December 1999).



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Report of the Chair of the Legal and Technical Commission on the work of the Commission during the twenty-first session of the International Seabed Authority

I. Introduction

1. The Legal and Technical Commission held two sessions in 2015, from 16 to 27 February, and from 6 to 15 July, in total, holding 24 formal meetings.
2. On 16 February 2015, the Commission adopted its agenda for the twenty-first session (ISBA/21/LTC/1). On the same day, the Commission elected Christian Reichert as Chair and Elva Escobar as Vice-Chair.
3. The following members of the Commission participated in the two sessions: Adesina Adegbie, David Billett, Harald Brekke, Winifred Broadbelt, Georgy Cherkashov, Elva Escobar, Russell Howorth, Kiseong Hyeong, Elie Jarmache, Carlos Roberto Leite, Pedro Madureira, Juan Pablo Paniago, Andrzej Przybycin, Christian Reichert, Michelle Walker and Haiqi Zhang. The following members attended the session in July, but were unable to attend the session in February: Eusebio Lopera and Maruthadu Sudhakar. Farhan M.S. Al-Farhan and Hussein Mubarak were unable to attend either session. The following members resigned prior to the session in July 2015: Domenico da Empoli, Emmanuel Kalngui, Nobuyuki Okamoto and Cristián Rodrigo. In accordance with previous practice, Montserrat González Carrillo, Natsumi Kamiya and Marzia Rovere participated in the meetings of the Commission following their nomination, but prior to their formal election by the Council on 14 July 2015.

II. Activities of contractors

A. Status of contracts for exploration

4. The secretariat provided the Commission with information on the status of contracts issued by the Authority pertaining to exploration for polymetallic nodules, polymetallic sulphides and cobalt-rich ferromanganese crusts at each of its two



sessions in 2015 ([ISBA/21/LTC/8](#) and [ISBA/21/LTC/8/Rev.1](#)). The Commission took note that 22 contracts for exploration had been issued by the Authority as at 30 June 2015 and noted that that number would reach 26 with the anticipated signature of four additional contracts. The Commission stressed that this rise had already resulted in an increase of its workload regarding the monitoring of the activities of contractors, including the evaluation of annual reports, together with the implementation of training programmes.

B. Implementation of training programmes under contracts for exploration and allocation of training opportunities

5. At its July session, the Commission agreed to follow a practical approach for the selection of trainees. In particular, the Commission decided to select more alternates for each training opportunity in order to ensure that no training opportunity is lost if first-ranked candidates are not available. In that regard, the Commission encouraged contractors to inform the Authority sufficiently in advance when exploration cruises are being planned.

6. In addition, the Commission decided that it would be timely to review the recommendations for selecting trainees and requested the secretariat to prepare suggested guidelines for its consideration at its next meeting.

1. Implementation of training programmes by China Ocean Mineral Resources Research and Development Association

7. At its session in February 2015, the Commission was informed that four training places had been made available by the China Ocean Mineral Resources Research and Development Association, with two trainees for a fellowship training programme and two for an engineering training programme. A total of 95 applications from 34 countries had been received.

8. On 16 February 2015, the Commission formed a training subgroup to carry out an initial review and appraisal of the applications. The subgroup met from 18 to 24 February and carried out graded selection. The selected candidates were ranked first and second, and first alternate and other alternates. Reinier Giralt Ortega (Cuba) and Taufan Wiguna (Indonesia) were selected for the fellowship training, while Natia Chomakhidze (Georgia) and Prithivi Dass Bissessur (Mauritius) were selected for the engineering training. Mr. Wiguna advised of his unavailability upon the notification of the selection result and Ms. Natalia Amezcua Torres (Mexico) replaced him as the first alternate. A full report on the selection process, together with the names of the recommended candidates, is contained in document [ISBA/21/LTC/10](#).

2. Implementation of training programmes by Tonga Offshore Mining Limited

9. In April 2015, Tonga Offshore Mining Limited submitted a training proposal for two at-sea training places that would be available in June 2015. The selection process followed by the Commission involved the subgroup carrying out its work by email. Andriharizafy Rantsoa (Madagascar) and Victor Lopes (Brazil) were selected for that training programme. The Commission accepted the recommendation of the subgroup and emphasized that every effort should be made by contractors to submit their training proposals not less than six months prior to the

implementation of the training programme. A full report on the selection of the candidates is contained in document [ISBA/21/LTC/13](#).

3. Implementation of training programmes by UK Seabed Resources Ltd. and by the Federal Institute for Geosciences and Natural Resources of Germany

10. In July 2015, the Commission met to select the candidates for the training programmes to be provided by UK Seabed Resources Ltd. (UKSRL) and by the Federal Institute for Geoscience and Natural Resources of Germany (BGR). Once again the subgroup process was utilized.

11. UKSRL had submitted its training proposal in April 2015. It had contracted with the Plymouth University to provide one Ph.D. programme in the analysis of polymetallic nodules and one Ph.D. programme in deep-sea marine biology, each of them starting in October 2015 for a four-year period. A total of 39 applications from 15 countries had been received for the Ph.D. programme in nodule analysis and 42 applications from 16 countries had been submitted for the second Ph.D. programme. In collaboration with UKSRL and the University of Plymouth, the Commission selected Wycliff Tupiti (Solomon Islands) as the first-ranked candidate and Felix Nshimiyimana (Rwanda) as the alternate for the Ph.D programme in analysis of polymetallic nodules. The Commission selected Kirsty McQuaid (South Africa) as the first-ranked candidate and Beatriz Eugenia Mejia Mercado (Mexico) as the alternate for the other Ph.D. programme.

12. The BGR training programme included the availability of two at-sea training places in late 2015 and four at-sea training places in early 2016. A total of 73 applications from 20 countries had been received. A list of 6 first-ranked candidates and 12 alternates was agreed by the Commission.

13. Full details on the selection of candidates for the UKSRL and BGR training programmes are contained in document [ISBA/21/LTC/14](#).

4. Anticipated training opportunities within the next five years

14. In response to a request from the Commission at its February session, the secretariat provided an update of training opportunities that would be made available within the next five years. The Commission took note of the fact that approximately 90 training opportunities would arise as a result of contracts for exploration that had been issued since 2011. That number could reach 120 as a result of four contracts for exploration that were anticipated to be concluded in 2015. That did not include the training opportunities that could arise from the extension of contracts for exploration in 2016 and 2017.

C. Review of the recommended template for annual reports of contractors

15. At its last session in 2014, the Commission agreed that it was necessary to replace the current template on the format and structure of annual reports of contractors that had been designed in 2002. In addition, the current template did not include the additional requirements for the format and content of annual reports, including on standardization of data which the Commission, particularly in recent years, had recommended. Other elements were also considered for the review,

including comments made by the Commission in its previous and current evaluation of the annual reports of contractors, the template for the submission of data, as agreed with the contractors at a meeting in January 2012, together with the outcomes of workshops recently organized by the Authority.

16. At the session in February 2015, the Commission commenced its review of the template for annual reports of contractors on the basis of a draft prepared by the secretariat. The Commission divided into two working groups to review templates for reporting environmental and resource data and information. However, the Commission had insufficient time to conclude its review and agreed to continue to work intersessionally through the secure website of the Commission. On the basis of comments and reviews received from some members of the Commission, the secretariat prepared draft recommendations for the guidance of contractors on the content, structure and format of annual reports of contractors for consideration by the full Commission in July. After review, the Commission adopted the draft recommendations as contained in document [ISBA/21/LTC/15](#). The recommendations include general requirements for the annual report and specific guidance for reporting on the exploration under contract for each category of marine mineral resources (polymetallic nodules, polymetallic sulphides and cobalt-rich ferromanganese crusts). The specific guidance is contained in annexes I to III of the recommendations. Annex IV comprises a list of templates for reporting environmental and geological data. Annex V of the recommendations includes the recommended standard for reporting of mineral exploration results assessments, mineral resources and mineral reserves. Those are derived from the international reporting template of the Committee for Mineral Reserves International Reporting Standards, which was discussed at the Goa workshop (see paras. 38-39).

17. The updated recommendations supersede the guidance for contents, format and structure for annual reports suggested by the Commission in the annex to document [ISBA/8/LTC/2](#) and should be applied by all contractors with effect from 1 January 2016.

D. Review of the recommendations for the guidance of contractors on the reporting of actual and direct exploration expenditures

18. At its session in July 2014, the Commission noted the need to update the recommendations for the guidance of contractors for the reporting of actual and direct exploration expenditures that had been issued in 2009, prior to the approval of the regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts and before the entry into force of contracts for exploration for those resources. The Commission decided to review the recommendations at its session in February 2015 and requested that the secretariat prepare a draft for its consideration for that purpose. In that regard, the Commission recalled that the provisions applicable to financial reporting were identical to the relevant provisions in each of the three sets of regulations of the Authority. The Commission reviewed the proposed amendments and agreed to them, with minor editorial changes, together with a revision of the capital reporting for the equipment used. The recommendations for the guidance of contractors for the reporting of actual and direct exploration expenditure that the Commission issued are contained in document [ISBA/21/LTC/11](#).

E. Consideration of the annual reports of contractors

19. The Commission considered 18 annual reports submitted by contractors pursuant to section 10 of annex 4 to the Regulations. The list of contractors that submitted annual reports is contained in annex I to the present report. Following past practice, the secretariat made the annual reports of the contractors available to members of the Commission through the secure website. The secretariat also prepared a preliminary technical evaluation of the reports. In considering the reports, the Commission divided itself into three working groups on (a) resource and technical matters, (b) environmental matters, and (c) legal and financial matters and training. Annex II to the present report contains the general comments and conclusions of the Commission on the annual reports of the contractors for the information of the Council.

III. Application for approval of a plan of work for exploration for polymetallic nodules by the China Minmetals Corporation

20. On 8 August 2014, an application for approval of a plan of work for exploration in eight reserved areas in the Clarion-Clipperton one was received from China Minmetals Corporation, a State enterprise under the sponsorship of the Government of China. This was placed on the agenda of the Commission for its session in February 2015. The Commission considered the application in closed meetings held on 18, 19, 20 and 26 February. Following a presentation of the application, the Commission submitted a list of questions to the applicant on the basis of its initial consideration. The Commission was able to consider responses to the questions at the February session, following which the Commission adopted its report and recommendations to the Council as contained in document [ISBA/21/C/2](#).

IV. Implementation of the environmental management plan for the Clarion-Clipperton Zone and development of other environmental management plans in the Area

21. At its twentieth session, the Council encouraged the secretariat and the Commission to continue their work on the implementation of the environmental management plan for the Clarion-Clipperton Zone up to and beyond 2015, and encouraged the Commission to consider the development of similar plans in other regions where the Authority had issued exploration contracts, in line with the calls from the General Assembly.¹

22. The secretariat prepared an update on the status of the environmental management plan for the Clarion-Clipperton Zone, together with information on proposals for the development of similar plans in other regions where the Authority had issued exploration contracts ([ISBA/21/LTC/9/Rev.1](#)).

23. In the light of the review of the implementation of the environmental management plan for the Clarion-Clipperton Zone on which the Commission is to

¹ [ISBA/20/C/31](#), para. 9, General Assembly resolution 68/70, para. 51, and General Assembly resolution 69/245, para. 51.

report to the Council in 2016, the Commission requested that the secretariat prepare an outline of the existing plan including the Areas of Particular Environmental Interest. A great deal of information and sampling had been gathered in recent months in the region and the Commission would take this into consideration in 2016.

24. With respect to the development of other environmental management plans, the Commission was informed of a scoping workshop (Horta, Azores, 1-3 June 2015) held to initiate a scientific and technical process towards the development of a strategic environmental management plan for deep seabed mineral exploration and exploitation in the Atlantic basin in areas beyond national jurisdiction.

25. The Commission took note of the information provided by the secretariat and welcomed inputs from external initiatives by the scientific community. The Commission supported the rationale for an environmental management plan for the Mid-Atlantic Ridge. It noted that a robust scientific case would be developed by the workshop participants over the coming years and it was expected that a report would be submitted for consideration and development by the Commission in 2017.

V. Draft regulations for the exploitation of mineral resources in the Area

26. The Commission continued its discussions relating to the development of a regulatory framework for mineral exploitation in the Area, in particular a request made to the Commission by the Council at its twentieth session to deliver a draft framework to all members of the Authority and all stakeholders following the meeting of the Commission in February 2015.

27. To that end, the Commission considered a report and presentation prepared by the secretariat. The report set out the background to the development of the framework under the Convention on the Law of the Sea and the Agreement relating to the implementation of Part XI thereof, including the specific policy objectives and the criteria for the formulation of rules, regulations and procedures applicable to exploitation. The Commission discussed a number of high-level issues that would have an impact on the strategic approach taken with regard to the development of the exploitation regulations, together with definitions and a number of practical issues affecting the operationalization of the exploitation regime. The Commission felt, in particular, that the areas of risk assessment and management and the implementation of internationally recognized standards were fundamental to the orderly development of the industry and its regulation. That would require a more detailed understanding of proposed operations.

28. The Commission also took note of a discussion paper prepared by the secretariat and external consultants concerning the development of a payment mechanism for exploitation activities in the Area.

29. At the end of its February meeting, the Commission decided to circulate a draft framework to all stakeholders, together with a summary of the high-level issues under discussion. In addition, the Commission agreed to circulate a draft action plan flowing from the draft regulatory framework. The action plan also highlighted the magnitude of the task ahead. The Commission agreed to provide to the Council in July 2015 an updated report, including a revised draft framework and

revised action plan following the receipt of stakeholder responses to the framework report, together with a summary of priority action areas.

30. As part of its July meetings, the Commission discussed the stakeholder responses to the suggested draft framework, high-level issues and action plan issued to stakeholders in March 2015.² The discussion also benefited from the views exchanged at a workshop held in Singapore in June 2015 related to the draft framework and a payment mechanism (ISA Briefing Paper 04/2015). The workshop was organized by the Authority in collaboration with the Centre for International Law of the National University of Singapore. The Commission expressed its appreciation to those stakeholders who had responded to the draft framework and acknowledged the various offers of assistance in developing specific aspects of the framework. The Commission requested that the secretariat continue to maintain liaison with those stakeholders accordingly.

31. The Commission considered that the draft framework had been well received by stakeholders and served as a good basis to provide direction to the drafting of the exploitation regulations, together with additional detail contained in stakeholder responses to the framework and the 2014 stakeholder survey. The Commission has issued a revised draft framework and action plan, taking account of any material comments by stakeholders. A revised document was available on the Authority's website.³

32. The Commission also acknowledged the submissions made to the discussion paper issued by the secretariat relating to the financial payment mechanism. The Commission discussed the difficulties inherent in designing a longer-term payment mechanism and noted the proposal made at the Singapore workshop to consider a transitional payment mechanism. The Commission observed the need for a better understanding of exploitation business models and a need for financial and economic models to be prepared. The Commission requested that this be taken forward by the secretariat.

33. From its review, the Commission had identified seven priority deliverables for the next 12 to 18 months. These were reflected in annex III to the present report and included a zero draft of the exploitation regulations and standard contract terms. The Commission noted that a complete exploitation code, including guidelines and recommendations, would evolve over time as more data and information became available and that the delivery of a complete exploitation code will have material implications for the budget for the next biennium (2017 and 2018) and beyond. In conjunction with the secretariat, the Commission would aim to develop a fully costed plan and timeline by July 2016.

34. In terms of a continued commitment to transparency and engagement, the Commission has requested the secretariat to draft a stakeholder consultation and participation strategy for the Authority.

35. The Commission would also recommend to the Council that a call be made for broader stakeholder participation, including that of member States, to support and engage with the Authority, such that specific views and opinions could be addressed during this stage of development.

² *Report to Members of the Authority and all stakeholders*, 23 March 2015.

³ Available at <http://bit.ly/1K4Bmrc>.

VI. Data management and standardization

A. Data management strategy of the Authority

36. The Commission was provided with an oral presentation regarding a data management plan to be implemented over the next 12 to 18 months, which included a brief description of programmes of cooperation with scientific projects and the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization. The Commission emphasized the importance of developing a strategy in partnership with the contractors and of defining protocols for the validation of resource assessment and environmental data. The Commission also recognized that the Authority's database should host the available genetic data. The Commission stressed that the strategy should describe the use of the data by the Authority and, in particular, expressed the view that confidential and non-confidential data should be separated in the database. The Commission also cautioned that the resources of the secretariat should be allocated giving priority to the implementation of the database management strategy, which has also been identified as a high priority action in the context of the development of the exploitation regulations. The Commission decided to keep this critical question on its agenda for the next session and requested the secretariat to provide a draft data management strategy and the financial implications of its implementation for its consideration at its February 2016 meeting.

B. Consideration of the outcomes of the international workshop on polymetallic nodules resources classification, held in Goa, India, from 13 to 17 October 2014

37. The Commission was provided with a summary of the international workshop on polymetallic nodules resource classification that was held from 13 to 17 October 2014 in Goa, India. The workshop was organized by the Authority in collaboration with the Ministry of Earth Sciences of the Government of India. Its main objectives were twofold: to ascertain the status of work undertaken by contractors, with a view to standardizing resource data reporting that contractors are required to submit; and to develop guidance for a standardized classification of the mineral resources in the Area. Eight contractors participated in the workshop.

38. The main outcome of the workshop was to recommend the adoption of a standardized template for resource classification as soon as possible for the guidance of contractors. The recommendations of the Goa workshop in this regard have been incorporated into the recommendations for the guidance of contractors relating to the content, format and structure of annual reports of contractors (ISBA/21/LTC/15) which contain an annex relating to reporting standard for mineral exploration assessment results.

C. Outcomes of the international workshop on taxonomic methods and standardization of macrofauna in the Clarion-Clipperton Zone, held in Uljin, Republic of Korea, from 23 to 30 November 2014

39. At its February meeting, the Commission was presented with the outcomes of the workshop on taxonomic methods and standardization of macrofauna in the Clarion-Clipperton Zone that had been hosted by the East Sea Research Institute in Uljin, Republic of Korea, from 23 to 30 November 2014. This had been the second in a series of workshops on deep-sea fauna. A total of 42 people from 23 countries had attended, including scientific experts, members of the Commission and scientists employed by contractors.

40. The Commission noted that the workshop had achieved four significant outputs: (a) a standardized nomenclature had been produced by the taxonomic experts, with associated descriptions and keys, that was made available to all contractors; (b) new recommendations had been advised on standardized sampling and storing methods; (c) it had advised that contractors should undertake biologically focused sampling cruises and that mixed-discipline cruises should allocate sufficient ship berth space for biological teams; (d) it had concluded that specimens must be identified at the species level and follow the World Register for Marine Species (www.marinespecies.org). The Commission took note of the recommendations made at the workshop (ISA Technical Study No. 13, 2015, pp. 37-38) and requested that the secretariat provide a brief commentary on how the recommendations might be taken up in the future.

VII. Matters referred to the Commission by the Council

A. Procedures and criteria for applications for extensions of contracts for exploration in the Area

41. At its twentieth session, the Commission drew the attention of the Council to the fact that seven contracts for exploration would expire in 2016 and 2017.⁴ Given that applications for extension of contracts might be expected by September 2015, appropriate procedures and criteria for processing such applications in a uniform and non-discriminatory manner were urgently needed. Acknowledging the concerns expressed and the urgency of the situation, the Council, by its decision [ISBA/20/C/31](#) of 23 July 2014, requested the Commission, as a matter of first priority, to formulate draft procedures and criteria for applications for extensions of contracts for exploration.

42. For the session in February 2015, the secretariat provided the Commission with draft procedures and criteria for the extension of an approved plan of work pursuant to section 1, paragraph 9, of the annex to the 1994 Agreement and pursuant to section 3.2 of the standard clauses set out in annex IV to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area

⁴ Those contracts are between the Authority and the Interoceanmetal Joint Organization, Yuzhmorgeologiya, the Government of the Republic of Korea, the China Ocean Mineral Resources Research and Development Association, Deep Ocean Resources Development Co. Ltd., the Institut français de recherche pour l'exploitation de la mer and the Government of India.

(ISBA/21/LTC/WP.1), together with an explanatory note (ISBA/21/LTC/3). The Commission reviewed them in closed meetings on 23, 24, 25 and 27 February 2015. On the last day of the session, after having exhausted all efforts to reach a decision by consensus, the Commission proceeded to a vote pursuant to rules 44 and 47 of its rules of procedures. The voting results were nine in favour of the adoption, three against it and two abstentions. The recommendations of the Commission to the Council on procedures and criteria for the extension of an approved plan of work for exploration are contained in document ISBA/21/C/WP.1. The three members of the Commission who voted against the adoption requested that a summary of their divergence of opinion accompany the recommendations, pursuant to rule 46 of the rules of procedure of the Commission. On 13 March 2015, the secretariat received that summary (ISBA/21/C/3, annex).

43. The procedures and criteria proposed by the Commission to the Council set out the form and content of an application for extension and describe their processing by the secretariat and the consideration of an application by the Commission and the Council. They also include a transitional provision that applies in case an application for extension has been duly submitted, but the expiry of the contract would occur after the session of the Commission at which the application was reviewed and prior to the next session of the Council. The procedures and criteria adopted by the Commission also include two annexes. The first annex provides details of the content of an application for extension, while the second annex consists of a template for a written agreement between the Authority and the contractor regarding the extension of an exploration contract.

44. While adopting the recommendations, the Commission noted that the administrative fee for processing an application for extension was of a financial nature and therefore fell within the remit of the Finance Committee, given that, in accordance with the 1994 Agreement, any decision by the Council having financial or budgetary implications or pertaining to the financial management and internal administration of the Authority must be based on the recommendations of the Finance Committee. Consequently, the Commission did not take any position with respect to the relevant paragraphs on the administrative fee and requested that the Secretary-General place this matter on the agenda of the Finance Committee for consideration at its next session, in July 2015.

B. Issues relating to the sponsorship by States of contracts of exploration in the Area, with particular attention to the test of effective control, as well as issues relating to the monopolization of activities in the Area, taking into consideration, in particular, the concept of abuse of a dominant position

45. The Commission considered an interim report on this issue prepared by the secretariat. It was agreed to keep this matter on the agenda of the Commission for 2016. The Commission also requested the secretariat to continue its work on the matter and to prepare a more detailed analysis for the Commission at its next meeting, illustrating and identifying more specifically the new ways of doing business that had been highlighted by the Commission in its previous discussions.

C. Preparation of draft procedures on the handling of confidential data and information, as provided for in rule 12 of the rules of procedure of the Commission

46. The Commission noted that it had been requested to report to the Council on this matter in 2016 and that the secretariat would prepare draft procedures for consideration by the Commission at its next meeting in February 2016.

VIII. Other matters

47. The Commission had a general discussion and exchange of views on its size and composition. It was generally agreed that the current size of the Commission allowed for a broad participation by members and that the general level of attendance was satisfactory. It was noted that the future programme of work for the Commission would probably require more specific expertise relating to the economics of mining projects and marine technology to add to the expertise currently in the Commission.

Annex I

List of contractors which have submitted an annual report on activities carried out in 2014, pursuant to section 10 of annex IV to the Regulations

<i>Name of contractor</i>	<i>ISBA reference No.</i>	<i>Date of submission of annual report</i>
A. Polymetallic nodules		
Global Sea Mineral Resources	PMN/11/2013/BEL	26 March 2015
Nauru Ocean Resources Inc.	PMN/09/2011/NRU	30 March 2015
Federal Institute for Geosciences and Natural Resources of Germany	PMN/08/2006/DEU	31 March 2015
Interoceanmetal Joint Organization	PMN/02/2001/IOM	31 March 2015
Institut français de recherche pour l'exploitation de la mer (Ifremer)	PMN/06/2001/FRA	31 March 2015
Yuzhmorgeologiya	PMN/01/2001/RUS	31 March 2015
Deep Ocean Resources Development Co. Ltd.	PMN/05/2001/JPN	7 April 2015
China Ocean Mineral Resources Research and Development Association (COMRA)	PMN/04/2001/CHN	31 March 2015
Government of the Republic of Korea	PMN/03/2001/KOR	7 April 2015
UK Seabed Resources Ltd.	PMN/12/2013/GBR	31 March 2015
Government of India	PMN/07/2002/IND	30 March 2015
Tonga Offshore Mining Ltd.	PMN/10/2012/TON	10 April 2015
B. Polymetallic sulphides		
Government of the Russian Federation	PMS/02/2012/RUS	7 April 2015
COMRA	PMS/01/2011/CHN	31 March 2015
Ifremer	PMS/04/2014/FRA	31 March 2015
Government of the Republic of Korea	PMS/03/2014/KOR	30 April 2015
C. Cobalt-rich ferromanganese crusts		
COMRA	CFC/02/2014/CHN	31 March 2015
Japan Oil, Gas and Metals National Corporation	CFC/01/2014/JPN	30 March 2015

Annex II

General comments of the Commission on the annual reports of the contractors

General comments

1. The majority of reports largely follow the general format prescribed by the Commission, and are confined for the most part to work carried out during the reporting year under consideration, in accordance with the suggestions made by the Commission following evaluations in previous years. While the average quality of reports is improving, there remains a need for contractors to further improve reporting on resource assessment and environmental baseline data. Furthermore, a few reports were limited to reviewing work that had been carried out in earlier years.

2. Six contractors are entering the last year of the final five-year phase of their respective contracts. By the end of that time it is to be expected that they will have identified a first-generation mine site, obtained good baseline environmental data, developed a mining system prototype and arrangements for metallurgical processing. It can be anticipated that these contractors will request extensions of their plans of work. Five of those contractors have reported different stages on mining tests and siting in their respective areas. Several contractors are now acquiring high resolution bathymetry collected by deep towed systems, seafloor morphology knowledge being of utmost importance to the design and development of the collector systems.

3. The Commission noted concerns over the quality of a number of the annual reports and, in particular, the fact that some contractors had failed to observe the recommendations for guidance issued by the Commission for the assessment of environmental impacts and to provide adequate data in the appropriate format (ISBA/19/LTC/8). Specific details of such failures were provided to the Secretary-General. The Commission requested the Secretary-General to take up these issues with the contractors and report back to the Commission at its next meeting. The Commission also wished to remind contractors of their contractual obligations under section 13.2 (b) and (e) of annex IV to the contract to comply with the rules, regulations and procedures of the Authority and to observe the recommendations issued by the Commission, and of the consequences of non-compliance.

4. The Commission noted that few examples currently exist of any collaborative work between and among contractors, even though several contractors mentioned the usefulness of the standardization workshops organized by the Authority in Germany (2013) and the Republic of Korea (2014).

Exploration work

5. Annual reports by most contractors are directly related to fieldwork carried out in the reporting year. A total of 18 cruises were conducted by contractors in 2014, amounting to 880 days at sea. However there remains a lack of raw tabular data in digital format.

6. A positive trend observed during the reporting period is that one of the contractors has started analysing data on the economic feasibility of nodule mining.

Some are also providing information on mineral resource classification following mining industry practice.

Mining tests and proposed mining technology

7. Progress still remains to be made on technology-related issues; however several contractors for polymetallic nodules are working on the development of mining systems and metallurgical processing. For polymetallic sulphides and cobalt-rich ferromanganese crusts, the latter activities will be developed later.

Environmental monitoring and assessment

8. The environmental work reported by contractors in 2014 is improving, but there are still very great differences between contractors in the quality and amount of data being reported. Some contractors have provided detailed, high-quality data focused on operational needs, while others have produced only marginal data, which is unlikely to be used in baseline studies. There are very few biological data being reported at species level, as required by the Legal and Technical Commission's recommendations for the guidance of contractors on the possible environmental impacts arising from the exploration of marine minerals in the Area ([ISBA/19/LTC/8](#)). In many cases, there has been no replicated sampling. Poor planning of environmental surveys is evident in some cases. Some contractors lack appreciation of the importance of sample design (size, sample number, and stratified random sampling) to address environmental heterogeneity, as detailed by the Authority's taxonomy and sampling standardization workshops.

9. There is still a lack of raw tabular data being provided by many contractors. Only 5 contractors have provided digital tabulated data for polymetallic nodules. One contractor has provided data for polymetallic sulphides and one for cobalt-rich ferromanganese crusts. This raw tabular data is essential for evaluating the potential impacts of mining on the marine environment and for the development of the Authority's regional environmental management plans.

10. Contractors are reminded that prior environmental impact assessments must be agreed with the Authority before dredging or other potentially harmful sampling activities are conducted in sulphide and crusts exploration areas. Contractors are required to verify and report that no serious harm has been caused to ecosystems by their activities in these areas.

Financial statements

11. Most of the contractors provided itemized financial statements, as recommended in the document [ISBA/15/LTC/7](#). Such a breakdown is needed to conduct an evaluation of the reported expenditure and to confirm the compliance with the contract. Most contractors exceeded the minimum expenditures stated in their work programmes.

Training programmes

12. Training programmes were conducted by BGR and COMRA in 2014. Daniel Armando Pérez-Calder (Mexico) and Khaled Sinoussy Mohamed (Egypt) participated in the BGR programme. COMRA provided four at-sea training opportunities, although only three candidates were able to take part in the training.

It is regretted that one opportunity was lost, owing to a last-minute withdrawal by a candidate. Training reports were received from all the above-mentioned trainees.

13. COMRA also supported the implementation of the Southwest Indian Ridge at-sea training programme, which was partially funded by the Authority's Endowment Fund. In addition to its training obligations under its contract, Nauru Ocean Resources Inc. provided training to candidates from developing States in environmental science and engineering at the University of the South Pacific in Fiji.

Annex III

Priority deliverables for the development of the exploitation code over the next 12-18 months, as reported to the Finance Committee by the Chairman of the Legal and Technical Commission

<i>Task area</i>	<i>Commentary</i>
1. A zero draft of exploitation regulations and standard contract terms based on the working structure agreed by the Commission (http://bit.ly/1K4Bmrc)	This is vital to provide a higher degree of legal certainty to facilitate investment decisions being made by investors and define key exploitation rights, contract duration, size of exploitation area etc. and related obligations, including environmental obligations. It is intended that the drafting be undertaken by an expert working group (external consultants), including Secretariat personnel. An initial draft deliverable to the Commission in February 2016 will be circulated to stakeholders in March 2016 and presented to the Council in July 2016 together with next steps.
2. Financial modelling for proposed Financial terms and payment mechanism	To develop a payment mechanism for exploitation activities, detailed financial and economic models based on proposed business plans are needed. External consultants will be required here. This is a key priority for contractors and the Authority.
3. Data management strategy and plan	The secretariat is to produce a fully costed data management strategy and technical implementation plan based on the advice of the Commission by February 2016. The project is likely to require significant funding in the budget for the next biennium.
4. Environmental assessment and management	The Authority must develop an environmental impact assessment process and develop its current draft environmental impact statement for adoption by contractors. In addition, the Authority must develop a strategy for strategic (regional) environmental management plans, building on its experience with the establishment of an environmental management plan for the Clarion-Clipperton Zone. These areas require terms of reference but are likely to require input from external experts and/or working group(s)/workshop(s) in the next 12 to 18 months, as well as significant financial resources in the next budgetary cycle.
5. Adaptive management approach	A key tool for environmental protection. The Government of New Zealand has offered to work with the Authority to develop this.
6. "Serious harm"	A key term in the exploration and future exploitation codes. This needs to be operationalized through background studies, expert input and subsequent review workshop.
7. Responsibility and liability	Legal working group (external experts) will need to be formed to explore and develop further rules and principles. The process will be kick-started in the next 12-18 months by a study to be commissioned from external consultants but is seen as a long-term project.



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Decision of the Council relating to an application for the approval of a plan of work for exploration for polymetallic nodules submitted by China Minmetals Corporation

The Council of the International Seabed Authority,

Acting on the recommendation of the Legal and Technical Commission,

Noting that, on 8 August 2014, an application for the approval of a plan of work for exploration for polymetallic nodules was submitted to the Secretary-General of the Authority in accordance with the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area¹ by China Minmetals Corporation, sponsored by the People's Republic of China,²

Recalling that, in accordance with paragraph 6 (a) of section 1 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 1982,³ the processing of an application for approval of a plan of work for exploration shall be in accordance with the provisions of the Convention, including annex III thereto, and the Agreement,

Recalling also that, pursuant to article 153, paragraph 3, of the Convention⁴ and paragraph 6 (b) of section 1 of the annex to the Agreement, the plan of work for exploration shall be in the form of a contract concluded between the Authority and the applicant,

Taking note of the advisory opinion of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea of 1 February 2011,

1. *Takes note* of the report and recommendations of the Legal and Technical Commission relating to an application for the approval of a plan of work for

¹ ISBA/19/C/17, annex.

² ISBA/21/LTC/5.

³ General Assembly resolution 48/263, annex.

⁴ United Nations, *Treaty Series*, vol. 1833, No. 31363.



exploration for polymetallic nodules submitted by China Minmetals Corporation and transmitted to the Council,⁵ in particular, paragraphs 29 to 32;

2. *Approves* the plan of work for exploration for polymetallic nodules submitted by China Minmetals Corporation;

3. *Requests* the Secretary-General of the Authority to issue the plan of work for exploration for polymetallic nodules in the form of a contract between the Authority and China Minmetals Corporation in accordance with the Regulations.

208th meeting
20 July 2015

⁵ ISBA/21/C/2.



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Decision of the Council relating to financial and budgetary matters

The Council of the International Seabed Authority,

Taking into account the recommendations of the Finance Committee,¹

1. *Recommends* that the Assembly of the International Seabed Authority:

(a) *Appoint* KPMG as independent auditor for 2015 and 2016;

(b) *Request* the Secretary-General to consult with the United Nations Joint Staff Pension Fund and other United Nations bodies, as well as an investment counsellor, on the steps that might be taken to generate a higher rate of return from the Endowment Fund and to report to the Finance Committee in 2016, on the status and outcome of those consultations and to make recommendations on the investment of the Endowment Fund;

(c) *Take note* of the new budget format as recommended by the Finance Committee to be used in presenting the budget of the Authority for 2017-2018;

(d) *Request* the Secretary-General to endeavour to identify the cost and sources of funding for the priority deliverables identified in the draft action plan and to report to the Committee on the progress made and the resources used;

(e) *Strongly encourage* those contractors that are still considering their position in relation to the annual overhead charge related to the administration and supervision of their contracts to accept the relevant amendments to the standard terms of contract in order to ensure equitable burden-sharing among all contractors;

(f) *Urge* the members of the Authority to pay their assessed contributions to the budget on time and in full;

(g) *Appeal once more* to the members of the Authority to pay outstanding contributions to the budget of the Authority from previous years as soon as possible and request the Secretary-General, at his discretion, to continue his efforts to recover those amounts;

¹ ISBA/21/A/6-ISBA/21/C/15.



(h) *Strongly encourage* members to make voluntary contributions to the Endowment Fund and Voluntary Trust Fund of the Authority;

(i) *Acknowledge with appreciation* the work of the Finance Committee and commend the Secretary-General on the audit report for 2013-2014;

2. *Decides* to set the fee for processing an application for extension of a plan of work for exploration at \$67,000 and *adopts* paragraphs 4 to 6 of the draft 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 1982,² as adjusted, accordingly.

212th meeting
23 July 2015

² ISBA/21/C/WP.1.



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Decision of the Council of the International Seabed Authority 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

The Council of the International Seabed Authority,

Recalling that, pursuant to article 162, subparagraphs 2 (a) and (l), of the United Nations Convention on the Law of the Sea, the Council shall supervise and coordinate the implementation of the provisions of Part XI of the Convention on all questions and matters within the competence of the Authority and shall exercise control over activities in the Area in accordance with article 153, paragraph 4, of the Convention and the rules, regulations and procedures of the Authority,

Recalling also paragraph 2 of its decision of 23 July 2014,¹ in which it requested the Legal and Technical Commission, as a matter of urgency and as its first priority, to formulate draft procedures and criteria for applications for extensions of contracts for exploration, in accordance with section 3.2 of the standard clauses contained in annex IV to the Regulations, for consideration by the Council at its twenty-first session,

Taking into account the recommendations of the Legal and Technical Commission on the procedures and criteria for 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 1982,² and the recommendations of the Finance Committee,

1. *Adopts* the procedures and criteria for 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

* Reissued for technical reasons on 24 July 2015.

¹ ISBA/20/C/31.

² ISBA/21/C/WP.1.



Convention on the Law of the Sea of 10 December 1982, as contained in the annex to the present decision;

2. *Reaffirms* that, consistent with its mandate under article 165 of the Convention and paragraph 9 of section 1 of the annex to the 1994 Agreement, the Legal and Technical Commission shall consider whether the contractor has made efforts in good faith to fulfil its obligations under the contract for exploration, but for reasons beyond the contractor's control, has been unable to complete the necessary preparatory work for proceeding to the exploitation stage, or whether the prevailing economic circumstances do not justify proceeding to the exploitation stage;

3. *Calls upon* the sponsoring State or States, in accordance with their obligations, to confirm to the Secretary-General the continuation of sponsorship for the duration of the extension;

4. *Requests* the Secretary-General to communicate the present decision to all contractors with the Authority, and requests the contractors applying for extensions to underscore the proposed modifications and/or additions to the programme of activities.

212th meeting
23 July 2015

Annex

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

I. Form and content of application for extension

1. The holder of a contract for exploration (hereinafter referred to as "the Contractor") may submit an application for extension of such contract in accordance with the procedures set out below. Contractors may apply for such extensions for periods of not more than five years each.

2. Each application for extension of a contract for exploration shall be in writing, addressed to the Secretary-General of the International Seabed Authority, and shall contain the information set out in annex I to the present document. Each such application shall be submitted no later than six months before the expiration of the contract in respect of which the application is made.

3. Unless otherwise indicated by the sponsoring State or States at the time of making the application for an extension, sponsorship shall be deemed to continue throughout the extension period and the sponsoring State or States shall continue to assume responsibility in accordance with articles 139 and 153 (4) of the Convention and article 4 (4) of annex III to the Convention.

4. The fee for processing an application for extension of a contract for exploration shall be a fixed amount of \$67,000 or its equivalent in a freely convertible currency, to be paid in full at the time of the submission of an application.

5. If the administrative costs incurred by the Authority in processing an application are less than the fixed amount indicated in paragraph 4 above, the Authority shall refund the difference to the Contractor. If the administrative costs incurred by the Authority in processing an application are more than the fixed amount indicated in paragraph 4 above, the Contractor shall pay the difference to the Authority, provided that any additional amount to be paid by the Contractor shall not exceed 10 per cent of the fixed fee referred to in paragraph 4.

6. Taking into account any criteria established for this purpose by the Finance Committee, the Secretary-General shall determine the amount of such differences as indicated in paragraph 5 above and notify the Contractor of the amount. The notification shall include a statement of the expenditure incurred by the Authority. The amount due shall be paid by the Contractor or reimbursed by the Authority within three months of the final decision by the Council in respect of the application.

II. Processing of an application for extension of a contract for exploration

7. The Secretary-General shall:

(a) Acknowledge in writing the receipt of every application for extension of a contract for exploration, specifying the date of receipt;

(b) Notify the sponsoring State or States of the receipt of the application and of the requirement set out in paragraph 3 above;

(c) Place the application, together with the attachments and annexes thereto, in safe custody and ensure the confidentiality of all confidential data and information contained in the application;

(d) Notify the members of the Authority of the receipt of such application and circulate to them information of a general nature which is not confidential regarding the application;

(e) Notify the members of the Legal and Technical Commission and place consideration of the application as an item on the agenda for the next meeting of the Commission.

III. Consideration by the Legal and Technical Commission

8. The Commission shall consider applications for extensions of contracts for exploration expeditiously and in the order in which they are received.

9. The Commission shall consider and review the data and information provided by the Contractor in connection with the application for extension of the contract for exploration. For the purposes of the review, the Commission may request the Contractor to submit such additional data and information as may be necessary regarding the implementation of the plan of work and compliance with the standard clauses of the contract.

10. In discharging its duties, the Commission shall apply the present procedures and criteria and the rules, regulations for the specific mineral resource and procedures of the Authority in a uniform and non-discriminatory manner.

11. If the Commission finds that an application for extension of a contract for exploration does not comply with these procedures, or the Contractor fails to provide data and information requested by the Commission, it shall notify the Contractor in writing, through the Secretary-General, indicating the reasons. The

Contractor may, within 45 days of such notification, amend its application. If the Commission, after further consideration, is of the view that it should not recommend approval of the application for extension of the contract for exploration, it shall so inform the Contractor, through the Secretary-General, and provide the Contractor with a further opportunity to make representations within 30 days. The Commission shall consider any such representations made by the Contractor in preparing its report and recommendation to the Council.

12. The Commission shall recommend approval of the application for extension of the contract for exploration if it considers that the Contractor has made efforts in good faith to comply with the requirements of the contract for exploration but, for reasons beyond the Contractor's control, has been unable to complete the necessary preparatory work for proceeding to the exploitation stage, or if the prevailing economic circumstances do not justify proceeding to the exploitation stage.

13. The Commission shall submit its report and recommendations to the Council at the first possible opportunity, taking into account the schedule of meetings of the Authority.

IV. Consideration by the Council

14. The Council shall consider the reports and recommendations of the Commission relating to applications for extension of approved plans of work for exploration 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.

15. Upon approval by the Council, a contract shall 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 to the present document. The terms and conditions applicable to the contract during the extension period shall be the terms and conditions in force as at the date of the extension, pursuant to the relevant regulations.³

V. Transitional provision

16. In the event that an application for extension of a contract has been duly submitted in accordance with the present procedures, but the contract would otherwise expire on a date after the next scheduled meeting of the Legal and Technical Commission but prior to the next scheduled meeting of the Council, the contract and all rights and obligations under the contract shall be deemed to be extended until such time as the Council is able to meet and approve the report and recommendations issued by the Commission in respect of that contract. In no case shall the application of the present provision result in the extension of the contract beyond a period of five years, or such shorter period as may have been requested by the Contractor, from the date on which the contract would otherwise have expired had it not been extended in accordance with these procedures.

³ Except where otherwise indicated, references to "the Regulations" are to be read as collective references to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (ISBA/19/C/17, annex), the Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area (ISBA/16/A/12/Rev.1) and the Regulations on Prospecting and Exploration for Cobalt-rich Ferromanganese Crusts in the Area (ISBA/18/A/11).

Appendix I

Information to be contained in an application for extension of a contract for exploration

1. An application for extension of a contract for exploration shall consist of the following:

(a) A statement by the Contractor of the grounds upon which an extension of the contract for exploration is sought. Such statement shall state the duration of the extension sought (up to five years) and shall include either:

(i) Particulars of the reasons beyond the Contractor's control that have rendered it unable to complete the necessary preparatory work for proceeding to the exploitation stage; or

(ii) An explanation of the reasons why the prevailing economic circumstances do not justify proceeding to the exploitation stage, including an explanation as to whether the economic circumstances in question refer to global market conditions in general or to a feasibility assessment regarding the Contractor's own project;

(b) A detailed summary of the work carried out by the Contractor during the entire period of the contract to date and the results obtained measured against the approved plan of work for exploration. Such summary shall include:

(i) An estimation of mineral resources and/or reserves according to the reporting standards for the specific mineral resources as established by the Authority, and their spatial distribution within the exploration area;

(ii) A table summarizing all environmental baseline data collected in relation to the environmental variables listed in the relevant recommendations for the guidance of contractors;^a

(iii) A complete list of all reports submitted to the Authority pursuant to the contract for exploration;

(iv) A complete inventory of all data and information submitted to the Authority pursuant to the contract for exploration;

(v) All data that have been requested by the Authority following the review of annual reports pursuant to the contract for exploration or that otherwise should have been submitted to the Authority pursuant to the contract, and that have not yet been supplied or have not been supplied in the format requested by or acceptable to the Authority;

(vi) A breakdown of expenditure pursuant to the contract for exploration, in accordance with the relevant recommendations for the guidance of contractors issued by the Legal and Technical Commission pursuant to the Regulations,^b and identifying any deviation from the anticipated yearly expenditures during the period of the contract;

(vii) A summary of training provided pursuant to the contract for exploration;

^a ISBA/19/LTC/8.

^b ISBA/21/LTC/11.

(c) A description and a schedule of the proposed exploration programme during the extension period, including a detailed programme of activities, showing any proposed modifications or additions to the approved plan of work for exploration under the contract, and a statement that during the extension period the Contractor will complete the necessary preparatory work for proceeding to the exploitation stage;

(d) Details of any proposed relinquishment of any part of the exploration area during the extension period, as may be necessary;

(e) A schedule of anticipated yearly expenditures in respect of the programme of activities for the extension period;

(f) A proposed training programme for the extension period in accordance with the relevant recommendations for the guidance of contractors issued by the Legal and Technical Commission pursuant to the Regulations.^c

2. All data and information submitted in connection with the application for extension of the contract for exploration shall be submitted in hard copy and in a digital format specified by the Authority.

^c ISBA/19/LTC/14.

Appendix II**Agreement between the International Seabed Authority and [Contractor] concerning the extension of the Contract for Exploration for [mineral resource] between the International Seabed Authority and [Contractor], dated [date]**

The International Seabed Authority, represented by its Secretary-General (hereinafter referred to as “the Authority”), and [Contractor], represented by [...] (hereinafter referred to as “the Contractor”), agree that the Contract for Exploration for [mineral resource] between the Authority and the Contractor signed on [date] at [place] for a period of 15 years from [date of entry into force of original contract], together with related annexes, is extended for a period of [...] years to [date], subject to the following amendments.

1. Schedule 2 of the Contract shall be replaced by the programme of activities attached to this agreement as annex I.

2. Schedule 3 of the Contract shall be replaced by the training programme attached to this agreement as annex II.

3. The standard clauses referred to in operative paragraph 1 of the Contract shall be replaced by the standard clauses attached to this agreement as annex III,^a which shall be incorporated into the Contract and shall have effect as if set out therein at length.

Subject to the above amendments, the Contract shall continue in all other respects with full force and effect. This amendment will enter into force on [date].

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by the respective parties, have signed this agreement at [place] this [date].

^a In relation to the contracts due to expire in 2016 and 2017, this is a reference to annex IV to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, adopted by the Council on 22 July 2013 (ISBA/19/C/17, annex), as amended by ISBA/19/A/12.



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Decision of the Council of the International Seabed Authority relating to the summary report of the Chair of the Legal and Technical Commission

The Council of the International Seabed Authority,

Recalling its decision adopted on 23 July 2014,¹

1. *Takes note with appreciation* of the summary report of the Chair of the Legal and Technical Commission on the work of the Commission during the twenty-first session;²

2. *Welcomes* the work done by the Commission to review the template for the annual reports of contractors and encourages all contractors to comply with the new recommendations for guidance on the format, content and structure of annual reports, as adopted by the Commission,³ with effect from 1 January 2016;

3. *Calls the attention* of contractors to the issues raised and recommendations made by the Commission on the annual reports of the contractors, as set out in annex II to the summary report of the Chair of the Legal and Technical Commission;¹

4. *Takes notes with appreciation* of the Commission's work on the framework for the exploitation regulations and *requests* the Commission to continue its work on exploitation regulations as a matter of priority;

5. *Endorses* the Commission's list of priority deliverables for the development of the exploitation code over the next 12 to 18 months, as set out in annex III to the report of the Chair of the Legal and Technical Commission;¹

6. *Requests* the Commission to consider, as appropriate, the submission by the Netherlands in addressing serious harm to the marine environment in the Regulations for the exploitation of mineral resources in the Area in the context of its work on the preparation of draft regulations for exploitation in the Area;

¹ ISBA/20/C/31.

² ISBA/21/C/16.

³ ISBA/21/LTC/15.



7. *Recognizes* the importance of developing a data management strategy for the Authority and *requests* the secretariat to provide a draft management strategy and the financial implications of its implementation for consideration by the Commission at its February 2016 meeting;

8. *Notes* that the secretariat will prepare draft procedures on the handling of confidential data and information, as provided for in rule 12 of the rules of procedure of the Commission for consideration by the Commission at its next meeting in February 2016, and *reiterates its request* that the Commission submit procedures to the Council for consideration and approval not later than at its 2016 session;

9. *Recalls* that the Commission's report to the Council regarding the review of the implementation of the environmental management plan for the Clarion-Clipperton Zone is due to be delivered in 2016 and *requests* that a workshop to review the implementation of the plan be convened before the twenty-second session in 2016;

10. *Encourages* the Commission and the secretariat to make progress on the development of environmental management plans in other international seabed area zones, in particular where there are currently contracts for exploration, in line with the suggestion made by the United Nations General Assembly in paragraph 51 of its resolution 69/245;

11. *Encourages* all contractors to make their environmental data readily and publicly available;

12. *Notes* that the Commission has requested the secretariat to draft a stakeholder consultation and participation strategy for the Authority and *requests* the Commission to continue to explore initiatives to increase transparency and dialogue on the development of its work, in particular on issues of general interest to member States and other stakeholders of the Authority;

13. *Requests* the Secretary-General to ensure that adequate time and resources continue to be made available to support the work of the Commission, especially on priority issues;

14. *Also requests* the Secretary-General to update the Council on the implementation of the present decision at its twenty-second session in 2016.



Council

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Summary report of the President of the Council of the International Seabed Authority on the work of the Council during the twenty-first session

1. The twenty-first session of the International Seabed Authority was held in Kingston from 13 to 24 July 2015.

I. Adoption of the agenda

2. At its 202nd meeting, on 13 July, the Council adopted its agenda for the twenty-first session, as contained in document [ISBA/21/C/1](#).

II. Election of the President and Vice-Presidents of the Council

3. At the same meeting, the Council elected Mr. Peter Thomson (Fiji) as President of the Council for the twenty-first session. Subsequently, following consultations in the regional groups, the Council elected the representatives of Brazil (Latin American and Caribbean States Group), Germany (Western European and other States Group), Nigeria (African States Group) and Poland (Eastern European States Group) as Vice-Presidents.

III. Report of the Secretary-General concerning the credentials of members of the Council

4. At the 209th meeting, on 20 July, the Secretary-General of the Authority informed the Council that, to date, credentials had been received from 36 members of the Council. It was noted that, in accordance with the system agreed for the allocation of seats among the regional groups at the first session of the Council, the African States Group had nominated South Africa to participate in the meetings of the Council without the right to vote during the present session. It will be the turn of the Asia-Pacific States Group to relinquish a seat in the Council in 2016.



IV. Election to fill a vacancy on the Legal and Technical Commission

5. At its 202nd meeting, the Council elected Théophile Ndougsa Mbarga (Cameroon), Montserrat González Carrillo (Chile), Natsumi Kamiya (Japan) and Marzia Rovere (Italy) to fill the vacancies on the Legal and Technical Commission left by the resignations of Emmanuel Kalngui (Cameroon), Cristián Rodrigo Ramírez (Chile), Nobuyuki Okamoto (Japan) and Domenico da Empoli (Italy), respectively, for the remainder of their terms.

V. Report on the status of contracts for exploration and related matters

6. At its 203rd meeting, on 15 July, the Council considered the report of the Secretary-General on the status of contracts for exploration in the Area ([ISBA/21/C/8/Rev.1](#)). As at 1 June 2015, 22 contracts for exploration had entered into force (14 for exploration for polymetallic nodules, 5 for exploration for polymetallic sulphides and 3 for exploration for cobalt-rich ferromanganese crusts). With regard to four remaining plans of work approved by the Council during the twentieth session, it was expected that contracts would be signed with the respective applicants in 2015. The Secretary-General also reported on the status of consultations regarding the implementation of the decision of the Assembly concerning overhead charges for the administration and supervision of exploration contracts ([ISBA/19/A/12](#)).

7. The Council took note of the report of the Secretary-General and some delegations congratulated the Secretary-General and the secretariat for their successful negotiations with contractors regarding the implementation of the decision of the Assembly. A few delegations stressed that contractors should pay the overhead charges well ahead of the session in 2016.

VI. Report of the Secretary-General on the status of national legislation relating to deep seabed mining and related matters

8. At its 203rd meeting, the Council considered the report of the Secretary-General on the status of national legislation relating to deep seabed mining and related matters. During the discussion, the delegations of Singapore, Tonga and Tuvalu presented their respective national legislation. One delegation urged the members of the Authority to act quickly to adopt their national legislation ahead of the exploitation phase. Some delegations echoed a suggestion by the delegation of the Republic of Korea that the Authority provide a legal framework to harmonize legislation among States to help to expedite the process. Some delegations encouraged the secretariat to continue the comparative study of national legislation.

VII. Report and recommendations of the Finance Committee

9. At its 204th, 208th and 212th meetings, on 16, 20 and 23 July, respectively, the Council considered the report of the Finance Committee ([ISBA/21/A/6-ISBA/21/C/15](#)). On the basis of the recommendations of the Finance Committee, the Council, at its 212th meeting, adopted a decision relating to financial and budgetary matters ([ISBA/21/C/18](#)).

VIII. Report of the Chair of the Legal and Technical Commission on the work of the Commission

10. At its 205th and 206th meetings, on 16 and 17 July, respectively, the Council considered the report of the Chair of the Legal and Technical Commission on the work of the Commission during the twenty-first session ([ISBA/21/C/16](#)). The report covered the activities of the contractors, including the status of contracts for exploration, the implementation of training programmes and the allocation of training opportunities, the review of the recommended template for the annual reports of contractors, the review of the recommendations for the guidance of contractors on the reporting of actual and direct exploration expenditure, and consideration of the annual reports of contractors. It also covered the application for approval of a plan of work for exploration, the implementation of the environmental management plan, draft regulations for the exploitation of mineral resources in the Area, as well as data management and standardization. The Chair also reported on matters referred to the Commission by the Council, including the procedures and criteria for applications for the extension of an approved plan of work for exploration.

11. Many delegations welcomed the updated template for the annual reports of contractors and updated guidance for contractors on the reporting of actual and direct exploration expenditure. A few delegations expressed their concerns over the quality of the annual reports submitted by contractors, in particular the lack of data for the establishment of environmental baseline and the lack of data in electronic format. The importance of standardization of data from contractors was emphasized by some delegations. The Secretary-General responded that there were no serious problems of non-compliance. One delegation commended the fact that a total of 18 cruises had been conducted by contractors in 2014, amounting to 880 days at sea.

12. Many delegations supported the request to develop a data management strategy of the Authority. Some delegations were concerned by the lack of financial support in the budget for such a strategy and questioned how such a plan could be formulated without proper data. One delegation called for a mechanism to be developed for the continuing evaluation of data with a view to regularly assessing the status of confidential information.

13. At its 212th meeting, under agenda item 17 on other matters, the Council adopted a decision relating to the summary report of the Chair of the Legal and Technical Commission on its work during the twenty-first session ([ISBA/21/C/20](#)).

IX. Consideration, with a view to approval, of applications for approval of plans of work for exploration in the Area

14. At its 208th meeting, the Council considered the report and recommendations of the Legal and Technical Commission relating to an application for the approval of a plan of work for exploration for polymetallic nodules submitted by China Minmetals Corporation, under the sponsorship of the Government of China ([ISBA/21/C/2](#)).

15. Acting on the recommendations of the Commission, the Council approved the application and requested the Secretary-General to issue the plan of work in the form of contract between the Authority and China MinMetals Corporation ([ISBA/21/C/17](#)).

X. Consideration, with a view to approval, of 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

16. At its 203rd, 204th, 207th, 210th, 211th and 212th meetings, on 15, 16, 17, 22 and 23 July, respectively, the Council considered the draft procedures and criteria for the extension of an approved plan of work for exploration proposed by the Commission ([ISBA/21/C/WP.1](#)). Strongly differing views were heard on the joint proposal by the African States Group and the Latin American and Caribbean States Group regarding the confirmation of sponsorship from the sponsoring States to the extension of exploration contracts, the role of the Legal and Technical Commission in reviewing the applications for the extension of contracts for exploration, and proposed modifications and additions to the programme of activities in the application for extension. A working group established by the Bureau of the Council met on the evening of 22 July and the morning of 23 July and submitted a compromise text incorporating the joint proposal into the draft decision of the Council relating to the present item, while keeping the working paper proposed by the Commission unchanged.

17. At its 212th meeting, the Council adopted a decision relating to the procedures and criteria for the extension of an approved plan of work for exploration ([ISBA/21/C/19](#)).

XI. Consideration, with a view to adoption, of draft regulations for exploitation of mineral resources in the Area

18. At its 208th and 211th meetings, the Council considered the draft framework, high-level issues and action plan for developing a regulatory framework for deep-sea mineral exploitation in the Area, as recommended by the Commission, as well as a document submitted by the delegation of the Netherlands on addressing serious harm to the marine environment in the regulations for the exploitation of mineral resources in the Area ([ISBA/21/C/13](#)).

19. Many delegations supported proceeding with expediency towards a “zero draft” of the exploitation regulations by February 2016, to give a clearer picture of what the regulations might look like. Some delegations suggested that some flexibility be applied to the deadline for formulating the framework and that it be extended until 2017 or 2018, owing to the data-deficient environment and limited resources available in the budget for 2015 and 2016.

20. Some delegations emphasized the importance of protecting the environment. One delegation held the view that the exploitation code should contain environmental protection measures stronger than those contained in the exploration code and urged the Council to subscribe to the new international environmental laws, specifically the principle of intergenerational and intragenerational equity. Some delegations called for mechanisms for guarantees of environmental protection from contractors, sanctions for their non-compliance and the compulsory contribution to an environmental protection fund. One delegation recommended that the rights of coastal States be listed as another high-level issue. A few delegations expressed the need for environmental impact and social impact assessments. Many delegations welcomed the proposal by the delegation of the Netherlands on addressing serious harm to the marine environment.

21. One delegation favoured a payment mechanism that would allow optimum revenue from the commercial exploitation of mineral resources in the Area, while remaining competitive to attract investment in an emerging industry, adding that the payment mechanism should be characterized by transparency and simplicity. One delegation considered it premature to discuss the payment mechanism in advance of discussions on the exploitation code.

22. Some delegations suggested that the advisory opinion of the International Tribunal for the Law of the Sea could serve as an appropriate guide in formulating provisions relating to the liability and responsibility of the sponsoring State.

23. Many delegations encouraged transparency and a collaborative approach in developing the exploitation regulations. They also encouraged taking advantage of assistance from member States, international organizations, non-governmental organizations, mining enterprises and experts. The delegations of New Zealand, South Africa and the United Kingdom of Great Britain and Northern Ireland offered to provide assistance with regard to some priority deliverables and high-level issues for the exploitation regulations.

24. Delegations made recommendations on the identification of mining inspectors, risk assessment and other high-level issues and priority deliverables.

25. The Council noted with appreciation the Commission’s work on the framework for the exploitation regulations and requested the Commission to continue its work on exploitation regulations as a matter of priority. The Council endorsed the Commission’s list of priority deliverables for the development of the exploitation regulations over the following 12 to 18 months. The Council requested the Commission to consider, where relevant, the document submitted by the Netherlands on addressing serious harm to the marine environment, in the context of its work on developing the exploitation regulations. The Council called for broader stakeholder participation, including that of member States, to support and engage with the Authority so that specific views and opinions might be addressed at this stage of development.

XII. Consideration of procedures for the election in 2016 of the members of the Legal and Technical Commission in accordance with article 163 of the United Nations on the Law of the Sea

26. At its 210th meeting, the Council considered the note by the secretariat on the procedures for the election in 2016 of the members of the Commission ([ISBA/21/C/6](#)). Many delegations raised concerns over the absence of some members from meetings of the Commission. A few delegations stated that, given the drafting of the exploitations regulations, the Commission required more expertise in the economics of mining projects, marine technology and environmental protection. The delegation of Cameroon recommended that candidates for the 2016 full election be independent, have no conflict of interest, possess technical expertise and be fully committed to participate in all meetings of the Commission, and also recommended that such guidelines for candidate selection be included in the letter from the Secretary-General to member States inviting the nomination of candidates.

27. The Council took note of the note by the secretariat and emphasized that the rules and procedures adopted by the Council in 2007 (see [ISBA/13/C/6](#)) must be strictly adhered to for the election of members to the Commission in 2016. The Council reiterated the importance of the continued participation of members in all sessions of the Commission.

XIII. Cooperation with other relevant international organizations

28. The Council took note of the report of the Secretary-General on the status of consultation between the Authority and the OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic ([ISBA/21/C/9](#)). While several delegations encouraged the Authority to continue its consultation with the OSPAR Commission with a view to joining the collective arrangement, some delegations considered that joining the collective arrangement at this stage would be premature.

29. The Council approved the agreement of cooperation between the International Maritime Organization and the Authority ([ISBA/21/C/10](#)) and the memorandum of understanding between the Authority and the Pacific Community ([ISBA/21/C/11](#)).

XIV. Dates of the next session of the Council

30. The twenty-second session of the Council will be held from 11 to 22 July 2016. It will be the turn of the Eastern European States Group to nominate a candidate for the presidency of the Council in 2016.

CONSOLIDATED INDEX TO THE SELECTED DECISIONS AND DOCUMENTS OF THE INTERNATIONAL SEABED AUTHORITY

Documents of the International Seabed Authority begin with the letters "ISBA". Documents of the first two sessions do not have a sessional number (e.g. ISBA/A/1), but from the third session on they do (e.g. ISBA/3/A/1).

Formal Assembly and Council documents each appear in four series, -/ 1; -/L.1; -/WP.1; and -/INF.1, corresponding to main documents, documents with limited distribution, working papers and information papers respectively. In addition to A and C documents there are also the ISBA/FC (Finance Committee) and ISBA/LTC (Legal and Technical Commission) series.

The Authority does not keep verbatim or summary records of meetings. Sound recordings are made and retained by the Secretariat. Official accounts of the work of the Authority can be found in the successive statements of the Presidents of the Assembly and the Council on the work of their organs, and the annual reports of the Secretary-General.

The Authority publishes annually a compendium of selected decisions and documents from each session. This compendium is available online only from the eighteenth session onwards. These may be cited as, e.g. *Selected Decisions* 17, 1-25; and from the eighteenth session *Selected Decisions* 18, ISBA/18/A/2.

Indexes to the documents of the Authority are available in two formats; a consolidated subject index to the documents and a cumulative index which contains a complete list of documents of the Assembly and the Council from the first session (1994) to the twentieth session (2014). The documents and indexes are also available in electronic format on the Authority's website at www.isa.org.jm.

The consolidated index below indicates the reference in the appropriate volume of the Selected Decisions.

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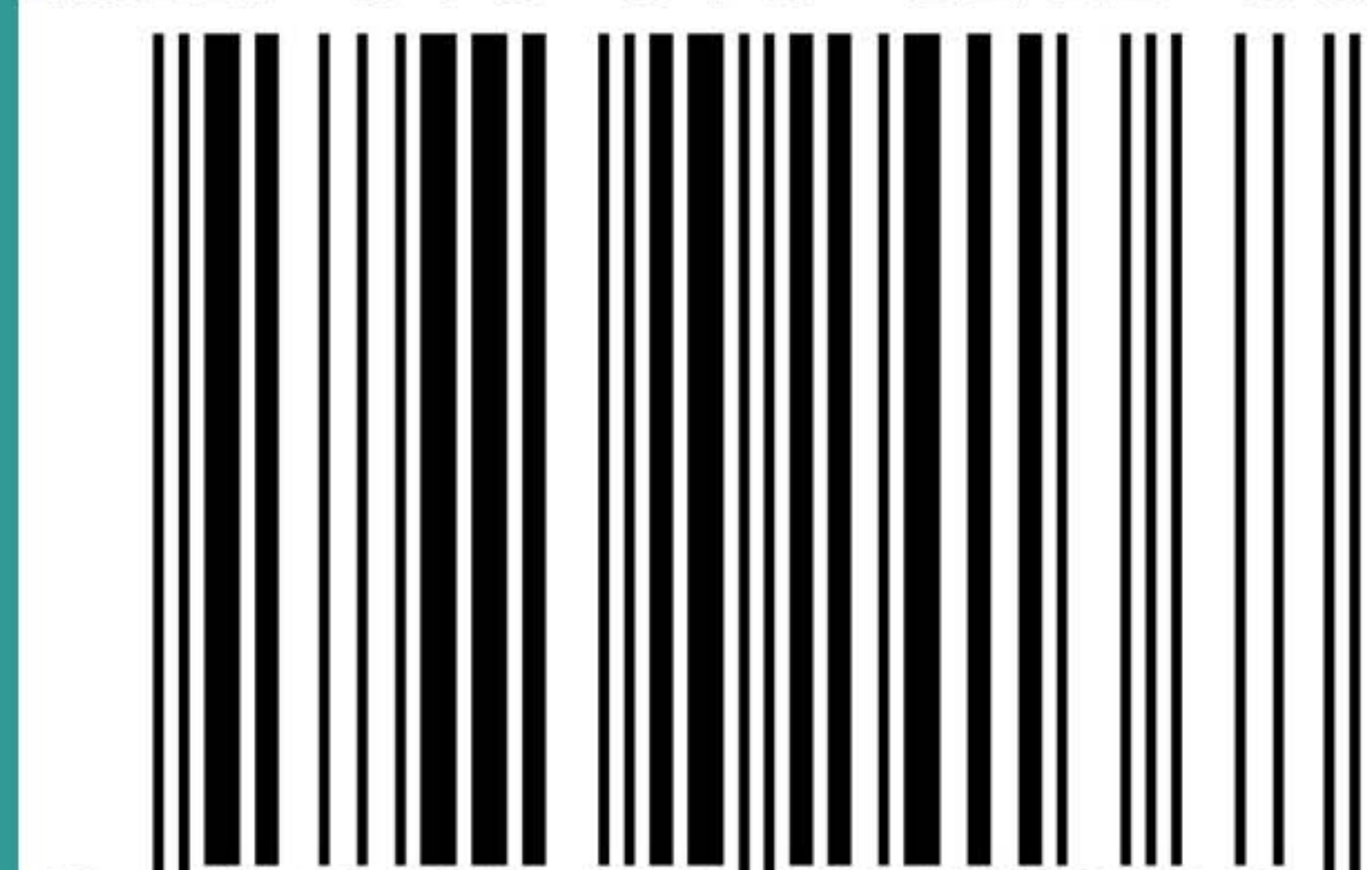
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