

# Selected Decisions and Documents of the Twenty-Third Session

07 - 18 August, 2017

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SELECTED DECISIONS AND DOCUMENTS  
OF THE TWENTY-THIRD SESSION  
7-18 August 2017

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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**

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## 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 2016 to May 2017.

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”). It is the organization through which States parties to the Convention, in accordance with 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.

3. The Authority has a number of other specific responsibilities under 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 209 and 145, 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. The main focus is on the following areas:

(a) Processing of applications for approval of plans of work for exploration and supervisory functions with regard to contracts for exploration;

(b) Adoption of rules, regulations and procedures necessary for the conduct of activities in the Area and development of an appropriate regulatory framework for the future exploitation of the mineral resources in the Area, including applicable standards for the protection and preservation of the marine environment;

(c) Monitoring of trends and developments relating to deep seabed mining activities, including world metal market conditions and metal prices, trends and prospects;

(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. During the reporting period, the Authority continued its work on the development of the framework for future exploitation of mineral resources of the Area. In particular, the Authority achieved progress with regard to the priority deliverables for the development of the exploitation code, as endorsed by the Council of the International Seabed Authority during its twenty-second session of the Authority (see [ISBA/22/C/28](#) and [ISBA/22/C/17](#), annex II).

6. On 1 January 2017, Michael W. Lodge (United Kingdom of Great Britain and Northern Ireland) assumed office as the Secretary-General of the Authority, succeeding Nii Allotey Odunton (Ghana).

## II. Periodic review of the International Seabed Authority pursuant to article 154 of the United Nations Convention on the Law of the Sea

7. In its decision [ISBA/21/A/9/Rev.1](#) of 24 July 2015, the Assembly decided 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 established in the Convention has operated in practice. The Assembly also decided that such a review should 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 of the Authority, with the President of the twenty-first session of the Assembly (Helmut Tuerk (Austria)) remaining a member of the Review Committee until the completion of the review, and that the Chairs of the regional groups might also participate as observers in the Review Committee. The Assembly further decided that the review should be conducted by independent consultants appointed by the Review Committee on the basis of a short list of qualified consultants prepared by the Secretary-General of the Authority, according to the established procurement procedures of the Authority.

8. The Assembly considered the interim report of the Review Committee at its twenty-second session, in 2016. In its decision [ISBA/22/A/11](#), the Assembly took note of the interim report and decided to provide States parties, observers and stakeholders a further opportunity to submit written observations on the interim report, and the comments thereto, before 15 October 2016, including, if they had not done so, the opportunity to reply to the questionnaire drawn up by the authors of the review, Seascope Consultants Limited. The Secretary-General was requested to transmit the draft final report, as approved by the Review Committee, to States parties and observers before 15 April 2017.

9. The Review Committee held its final meeting in Kingston from 30 January to 3 February 2017. On 3 February 2017, the Chair of the Review Committee transmitted its final report to the Secretary-General and requested him to circulate the report to States parties and observers of the Authority. The final report of the Review Committee, which contains 19 recommendations, appears as an annex to document [ISBA/23/A/3](#). In May 2017, the Secretary-General issued document [ISBA/23/A/5](#), containing the comments of the secretariat on the recommendations of the Review Committee.

## III. The Area

10. 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.

11. On 29 August 2016, Pakistan deposited a copy of its chart indicating the outer limit lines of the continental shelf of Pakistan along with lists of coordinates. As at 31 May 2017, seven members of the Authority have deposited such charts and lists with the Secretary-General, namely, Australia, France (with respect to Martinique, Guadeloupe, French Guiana, New Caledonia, and the Kerguelen Islands), Ireland,

Mexico, Niue, Pakistan and the 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.

#### **IV. Membership of the Authority**

12. In accordance with article 156, paragraph 2, of the Convention, all States parties to the Convention are, ipso facto, members of the Authority. Azerbaijan acceded to the Convention on 16 June 2016. On 23 September 2016, Ghana became a party to the 1994 Agreement. As at 31 May 2017, there were 168 parties to the Convention (167 States and the European Union) and thus 168 members of the Authority. On the same date, there were 150 parties to the 1994 Agreement.

13. There are 18 members of the Authority that became parties to the Convention before the adoption of the 1994 Agreement that have yet to become parties to the Agreement, namely, Bahrain, Bosnia and Herzegovina, the Comoros, the Democratic Republic of the Congo, Djibouti, Dominica, Egypt, the Gambia, Guinea-Bissau, Iraq, Mali, Marshall Islands, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Somalia and the Sudan.

14. 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. In paragraph 3 of its resolution [71/257](#), the General Assembly of the United Nations called upon all States that have not done so to become parties to the Convention and the 1994 Agreement.

15. Each year, the Secretary-General of the Authority issues a reminder to those States that are not yet party to the 1994 Agreement, urging them to become parties at the earliest opportunity. The last such note was circulated on 8 March 2017.

#### **V. Permanent missions to the Authority**

16. As at 31 May 2017, the following 25 States, in addition to the European Union, maintained permanent missions to the Authority: Algeria, Argentina, Antigua and Barbuda, Bangladesh, Belgium, Brazil, Cameroon, Chile, China, Cuba, France, Gabon, Germany, Italy, Jamaica, Japan, Mexico, Nigeria, Panama, the Republic of Korea, the Russian Federation, Saint Kitts and Nevis, South Africa, Spain and Trinidad and Tobago.

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

17. 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.

18. The Protocol deals with the privileges and immunities of the Authority in relation to those matters that 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.

19. During the past year, two States acceded to the Protocol: Ghana (23 September 2016) and Senegal (11 July 2016). That brings the total number of parties to 42, namely, Albania, Antigua and Barbuda, Argentina, Austria, Brazil, Bulgaria, Cameroon, Chile, Croatia, Cuba, Czechia, Denmark, Egypt, Estonia, Finland, France, Germany, Ghana, Guinea, Guyana, India, Iraq, Ireland, Italy, Jamaica, Lithuania, Mauritius, Mozambique, the Netherlands, Nigeria, Norway, Oman, Poland, Portugal, Senegal, Slovakia, Slovenia, Spain, Togo, Trinidad and Tobago, the United Kingdom and Uruguay. A further 11 States have signed the Protocol but have yet to ratify it, namely, the Bahamas, Côte d'Ivoire, Greece, Indonesia, Kenya, Malta, Namibia, Pakistan, Saudi Arabia, the Sudan and the former Yugoslav Republic of Macedonia.

20. On 6 March 2017, the Secretary-General circulated a note encouraging all those members of the Authority that have not yet done so to become parties to the Protocol at their earliest convenience.

## **VII. Administrative matters**

### **A. Secretariat**

21. The secretariat is one of the principal organs of the Authority. In accordance with article 166 of the United Nations Convention on the Law of the Sea, the secretariat shall comprise a Secretary-General and such staff as the Authority may require. The staff of the secretariat shall consist of such qualified scientific and technical and other personnel as may be required to fulfil the administrative functions of the Authority.

22. Upon assuming office, the Secretary-General announced certain changes to the organizational structure of the secretariat. Those included the establishment of a senior management group and a new contract management unit. Detailed information regarding the restructuring of the secretariat is reported to the Assembly in document [ISBA/23/A/4](#). Some of the concerns regarding the resources, structure and coordination of the secretariat are also reflected in the final report on the review conducted pursuant to article 154 of the Convention (see [ISBA/23/A/3](#)).

23. The number of established posts in the secretariat is 40 (22 Professional, 2 National and 16 General Service). During the reporting period, three staff members retired and seven vacant positions were filled.

### **B. Participation in the common system of the United Nations**

24. The Authority applies to its staff the common system of salaries, allowances and other conditions of service of the United Nations and the specialized agencies of the United Nations system. Under the terms of the relationship agreement

concluded with the United Nations in 1997 which entered into force on 26 November 1997, following its approval by the Assembly of the Authority (see [ISBA/3/A/3](#)) and the General Assembly of the United Nations (see resolution [52/27](#), annex), both organizations agree to apply common personnel standards, methods and arrangements. At its 139th meeting, on 27 July 2012, the Assembly of the Authority, acting upon a recommendation of the Council, decided that it would be desirable for the Authority to subscribe to the statute of the International Civil Service Commission (ICSC) with effect from January 2013 (see [ISBA/18/A/7](#)). The secretariat was represented at the eighty-fourth session of ICSC, held at United Nations Headquarters in March 2017. The agenda included resolutions and decisions adopted by the General Assembly at its seventy-first session relating to the work of ICSC, the conditions of service applicable to all categories of staff, the review of pensionable remuneration, the review of the hardship classification methodology and post adjustment issues.

25. The secretariat is an active participant in the work of the United Nations operations management team comprising all United Nations agencies present in Kingston.<sup>1</sup> The initiative is designed to enable participating agencies to achieve cost savings and streamline their operations in key areas such as human resources, communications and information technology, finance, procurement, travel and common premises. The team's strategies during the reporting period did not include new cost-saving targets but instead focused mostly on the development of monitoring tools to ensure that current benefits achieved with regard to courier services and stationery were maintained. Work is in progress with regard to the development of a long-term travel agreement, a consultant database, the encouragement of "green initiatives" and the improvement of common services such as telecommunications and meeting facilities.

### **C. Comprehensive review of the compensation package of the common system**

26. In 2013, ICSC undertook a comprehensive review of the common system compensation package in order to ensure that the pay and benefits provided to staff continued to be fit for purpose. In 2015, having considered the report of ICSC for 2015 ([A/70/30](#)), the General Assembly of the United Nations approved the majority of the proposals and decided that they should be implemented for the United Nations Secretariat and for common system organizations, as appropriate, in phases from 2016 to 2018 (see resolution [70/244](#)).

27. In accordance with article 11 of the relationship agreement between the Authority and the United Nations, and with the assistance of an expert from ICSC, the secretariat conducted its own review in January 2017 and has begun to implement the necessary changes to the compensation package for staff in the Professional and higher categories. The details of the changes to benefits and entitlements are elaborated in the report of the Secretary-General to the Finance Committee ([ISBA/23/FC/2](#)). Necessary amendments to the Staff Regulations will be considered by the Council and the Assembly during the twenty-third session.

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<sup>1</sup> The participating agencies, in addition to the Authority, are the United Nations Population Fund, the Pan American Health Organization, the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the Joint United Nations Programme on HIV/AIDS, the United Nations Development Programme and the Food and Agriculture Organization of the United Nations.

## **D. Cost-saving measures**

28. The secretariat continued its efforts to find cost savings in its regular budget, including through the outsourcing of local transportation during meetings, which will reduce the overtime expenditure of the staff of the Security and Transport Unit. The secretariat has also updated its administrative instruction on official travel in line with that of the United Nations. Efforts are also being made to reduce conference servicing costs by introducing efficiency measures and reducing the number of New York-based conference servicing staff.

## **VIII. Financial matters**

### **A. Budget**

29. At its twenty-second session, the Assembly adopted an administrative budget for the financial period 2017-2018 in the amount of \$17,130,700 (see [ISBA/22/A/13](#)).

### **B. Status of contributions**

30. 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 31 May 2017, 52 per cent of the value of contributions to the 2017 budget due from member States and the European Union had been received, while 26 per cent of the membership of the Authority had fully paid their 2017 assessed contribution amounts.

31. Contributions outstanding from member States for prior periods (1998-2016) amounted to \$561,807 as at 31 May 2017. 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 31 May 2017, the following 48 members of the Authority had been in arrears for two years or more: Angola, the Bahamas, Bangladesh, Barbados, Belize, Benin, Botswana, Burkina Faso, Cape Verde, Chad, the Comoros, the Congo, the Democratic Republic of the Congo, Djibouti, Dominica, the Dominican Republic, Equatorial Guinea, the Gambia, Grenada, Guinea, Guinea-Bissau, Honduras, Liberia, Malaysia, Maldives, Mali, Mauritania, Mongolia, Mozambique, Nepal, the Niger, Papua New Guinea, Paraguay, Saint Vincent and the Grenadines, Sao Tome and Principe, Seychelles, Sierra Leone, Somalia, the Sudan, Suriname, Swaziland, the former Yugoslav Republic of Macedonia, Togo, Tuvalu, Vanuatu, Yemen, Zambia and Zimbabwe.

32. As at 31 May 2017, the balance of the working capital fund stood at \$581,983 against an approved level of \$660,000.



### **C. Voluntary Trust Fund**

33. 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 Fund is made up of voluntary contributions from members of the Authority and others. Total contributions to the Fund over its lifetime amount to \$654,584. The most recent contribution was made by China in May 2017, in the amount of \$20,000. The balance of the Voluntary Trust Fund as at 31 May 2017 stood at the amount of \$92,893.

34. In 2016, the Finance Committee requested the Secretary-General to provide it with a report and an analysis on the use of the Voluntary Trust Fund, noting that the terms and conditions had not been reviewed since 2004. Such a report has been prepared and will be considered by the Committee during the twenty-third session.

### **D. Endowment Fund for Marine Scientific Research in the Area**

35. 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.

36. As at 31 May 2017, the capital of the Fund stood at \$3,473,315. As at the same date, a total amount of \$528,053 had been disbursed from the interest accrued on the capital in the form of awards for projects. The most recent, and sole, contribution to the Fund during 2016 was made by Mexico in December 2016 in the amount of \$7,500. Over the past three years total contributions to the Fund amounted to \$66,227, whereas total expenditure over the same period was \$117,380. A further problem for the Fund is that the average interest rate earned from investing the capital of the Fund in the first four months of 2017 was 0.4 per cent, with an average rate of 1.5 per cent over the period 2006-2017. In 2016, the Finance Committee requested the Secretary-General to make arrangements to reinvest the Fund to produce a higher rate of return; that request should be fulfilled by June 2017.

## **IX. Satya N. Nandan Library**

37. 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 Authority is committed



to developing the specialized research capability of the existing collection through an acquisitions programme aimed at responding to the changes in the delivery and formats of information and knowledge, and building on and strengthening the Library's comprehensive collection. The Library is also increasing access to e-resources.

38. During the reporting period, generous donations were received from organizations and individuals. Noteworthy among the donors were the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations Secretariat; 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, Scientific and Cultural Organization (UNESCO); the Intergovernmental Oceanographic Commission of UNESCO; the World Bank; the Interoceanmetal Joint Organization; the State Oceanic Administration of China; the Tokyo Institute of Technology; the Center for Oceans Law and Policy, University of Virginia; the Law of the Sea Institute, University of California, Berkeley; the German Advisory Council on Global Change; the United States Institute of Peace; the International Council of Environmental Law; the Planning Institute of Jamaica; and the Ministry of Science, Energy and Technology of Jamaica. Individual donations were received from Kaiser Gonçalves de Souza, on behalf of the African Minerals Development Centre; Kim Woong-Seo, on behalf of the Korean Society of Oceanography; Claudia Rezende of the Companhia de Pesquisa de Recursos Minerais (CPRM), Brazil; Aline Jaeckel, Macquarie Law School, Australia; and Rahul Sharma, National Institute of Oceanography, India.

39. The Library facilities available to visitors, including delegates, consist of a reading room with access to the collection for reference purposes, and computer terminals for email and Internet usage. Services provided include information, reference and research support, as well as the distribution of the official documents and publications of the Authority. The Library is an active member of the International Association of Aquatic and Marine Science Libraries and Information Centers and the Library and Information Association of Jamaica. In 2015, the Library formed a partnership with the library of the International Tribunal for the Law of the Sea to join the United Nations System Electronic Information Acquisition Consortium. The Consortium is a system-wide libraries initiative, used through the United Nations system libraries, which generates considerable savings for participating agencies by bringing down the cost of information through a collective purchasing arrangement and shared services to online repositories.

40. Since 2015, the Library has invested in a development and modernization programme, with the aim of strengthening service provision and infrastructure and expanding access to and encouraging the use of the unique content of the collection. In early 2017, new lounge area furniture was acquired. Progress has also been made in the implementation of a new library management system, and a software vendor was selected following a formal tender process. The new library management system, the EOS.Web digital cloud system, a SirsiDynix product, will provide the opportunity to search and explore library materials using an online public access catalogue, bringing together print and digital publications, articles, web resources, and select databases, both subscription-based and free, in order to position the Library as a high-quality research centre. It is anticipated that the library management system will be fully implemented during 2017, following software deployment and training.

41. The Library receives numerous requests for research assistance, many of which reflect the increasing interest in the work of the Authority. Research interest is focused on the activities of the Authority and its role, functions and future

challenges, as well as on the subject areas covered by the Convention. In addition, there is widespread interest in information on the Endowment Fund for Marine Scientific Research in the Area and on fellowship and training opportunities available through the Fund. Research assistance was provided to the Commonwealth secretariat; South Asian University, New Delhi; the Marine Biology Research Group, Ghent University; the University of California, Santa Barbara; the Ministry of Earth Sciences, National Institute of Oceanography, India; the Associated Press; Sealight Pictures, Australia; the University of São Paulo, Brazil; the Centre for International Sustainable Development Law, University of New South Wales; China People's Daily; the China Ocean Mineral Resources Research and Development Association; the Faculty of Law and the Department of Language, Linguists and Philosophy, University of the West Indies, Mona, Jamaica; the Norman Manley Law School, Jamaica; the Caribbean Maritime Institute; and government bodies of Jamaica, including the Attorney General's Department, the Ministry of Foreign Affairs and Foreign Trade, the Mines and Geology Division of the Ministry of Science, Energy and Technology, the National Environment and Planning Agency, the Planning Institute of Jamaica and the Jamaica Information Service. Requests were also received from individual researchers, academic and research institutions, embassies and permanent missions based in Jamaica and around the world.

## **X. Communications and information technology services, website and public information and outreach**

42. The Communications and Information Technology Service with the Office for Administrative Services supports the work of the secretariat by administering the network infrastructure and services and providing technical support and training to staff members. Major projects developed during the reporting period include the implementation of the Data Management Strategy, the electronic library management system and financial accounting packages for the International Public Sector Accounting Standards (IPSAS).

43. In January 2017, an external audit was conducted to review the overall network architecture and to assess its robustness and adaptability in meeting current and emerging demands. The audit was also an opportunity to evaluate the current governance, security and oversight of the Service, as well as its operational structure. Based on the recommendations of the audit report, a technical implementation plan has been developed and the Secretary-General has taken measures to establish an advisory committee for the Service, as well as to promulgate an acceptable-use policy for the secretariat.

44. The Authority maintains a strong online presence through its website, its mobile application and through social media. The website ([www.isa.org.jm](http://www.isa.org.jm)) provides access to all digital publications and official documents of the Authority's annual meetings and the meetings of its subsidiary organs as well as all workshops and seminars organized by the Authority. The Authority's website is also regularly updated with relevant information received from member States and contractors, including in relation to the enactment of deep-sea mining national legislation and contractor training programmes. The mobile application (ISBAHQ), which is a condensed version of the website of the Authority, has been created to provide quickly accessed and up-to-date information on the Authority's structure and organs, the most recent publications available and the latest news and information, including with regard to capacity-building opportunities. In an effort to generate greater awareness of its work, the Authority also maintains a regular presence through social media, mainly through its Facebook page and Twitter (@ISBAHQ) handle.

45. The Authority has also taken steps to engage a wide range of stakeholders through consultations and surveys, and continues to interact frequently with its States parties and relevant stakeholders by providing a regular flow of information on its activities. Key communication methods used by the Authority have been quarterly e-newsletters, press releases, social media, brochures, flyers advertising contractor training programmes, fact sheets, briefing papers and technical studies that provide summaries of legal and scientific workshops and seminars, hosted by the Authority, or jointly coordinated with other legal and scientific institutions.

46. In June 2017, the secretariat convened an open forum at the University of the West Indies in Kingston in an effort to explain its work to the wider community in Jamaica. The forum, which was open to the public, was attended by government officials, academia, students, members of permanent missions and other members of civil society.

47. The secretariat also convened side events at a number of international conferences and meetings, including a side event on the actions taken to provide capacity-building and training opportunities to developing countries, which was held at the third session of the Preparatory Committee established by General Assembly resolution [69/292](#) on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. During the capacity-building side event, the secretariat gave a presentation followed by a discussion session on the history, achievements and future of the Authority's contractor training programme and Endowment Fund for Marine Scientific Research programme. The secretariat took note of the comments and suggestions to improve and sustain the programmes that were put forward by the audience during discussion. The secretariat was also invited to participate in and contribute to the side event organized by Yokohama City University, the International Organization for Standardization and the Japan Agency for Marine-Earth Science and Technology on the standardization of tools and monitoring for marine environmental impact assessments in the Area from the technical and legal perspectives.

## **XI. Visits to the headquarters of the Authority and other activities**

48. On 25 November 2016, Naval officers from the Brazilian naval training ship *Brasil*, led by Captain José Luiz Ferreira Canela, and the Colombian navy vessel *Gloria*, led by Captain Juan Jimenez, visited the secretariat. On 15 March 2017, a delegation from the Ministry of Foreign Affairs of Chile visited the secretariat. During those visits, the delegations were briefed on the structure and work programme of the Authority.

49. The Authority participated, as one of the associate sponsors, at the forty-first annual conference of the Center of Oceans Law and Policy, entitled "The marine environment and UN Sustainable Development Goal 14", organized by the Center in cooperation with the Coordinating Ministry for Maritime Affairs of Indonesia, held in Yogyakarta, Indonesia, from 16 to 19 May 2017. The Authority acted as the moderator of panel 3 on the "Status of deep seabed minerals".

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

50. Activities undertaken in the ocean are closely intertwined, making cooperation and coordination essential among intergovernmental organizations with mandates over activities in the ocean. That fact is emphasized in articles 138 and 169 of the Convention itself, and is a critical element to ensuring a consistent approach to the protection and preservation of the marine environment and the sustainable development of ocean activities. To that end, the secretariat has participated in a number of initiatives with other relevant organizations aimed at facilitating the exchange of information and dialogue among users of the Area.

### **A. United Nations**

51. The Authority has a close and productive working relationship with the United Nations, in particular with the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs at the United Nations. The Authority provided information on its activities to the twenty-seventh Meeting of States Parties to the Convention in June 2017. The Authority also contributed information towards the implementation of General Assembly resolution [71/257](#) on oceans and the law of the sea. It also participated in the first three sessions of the Preparatory Committee. At the third session of the Preparatory Committee, held from 27 March to 7 April 2017, the Authority made statements in connection with its mandate at the meetings of the informal working group on environmental impact assessments and at the informal working group on capacity-building and the transfer of marine technology.

52. The Authority also actively contributed to the work and discussions of the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development, held in New York from 5 to 9 June 2017. At that occasion, the Authority provided inputs to several Partnership Dialogues, notably Partnership Dialogues 5 (“Increasing economic benefits to small island developing States and least developed countries and providing access for small-scale artisanal fishers to marine resources and markets”), 6 (“Increasing scientific knowledge, and developing research capacity and transfer of marine technology”) and 7 (“Enhancing the conservation and sustainable use of oceans and their resources by implementing international law as reflected in the United Nations Convention on the Law of the Sea”).

53. The Authority also registered a series of voluntary commitments with a view to (a) “Enhancing the role of women in marine scientific research through capacity-building”; (b) “Encouraging dissemination of research results through the ISA Secretary-General Award for Deep-Sea Research Excellence”; (c) “Improving the assessment of essential ecological functions of the deep sea oceans through long-term underwater oceanographic observatories in the Area”; and (d) “Enhancing deep sea marine biodiversity assessment through the creation of online taxonomic atlases linked to deep mining activities in the Area”. Additional voluntary commitments were registered in partnership with other agencies, notably with the Department of Economic and Social Affairs of the United Nations Secretariat (“Abyssal initiative for Blue Growth: advancing SDG 14 and the quest for a Blue Economy through the promotion of socioeconomic benefits for developing countries, including SIDS, and increasing scientific knowledge and research capacity”) and with the African Minerals Development Centre and GRID-Arendal (“Fostering cooperation to promote the sustainable development of Africa’s deep seabed resources in support to Africa’s Blue Economy” and “Mapping the Blue Economy of Africa to support

decision-making, investment and governance of activities undertaken on the extended continental shelf and in adjacent international seabed areas”).

54. The Authority participated in four side events during the Conference. One was organized with the Department of Economic and Social Affairs of the United Nations Secretariat, Mexico and Tonga, with the support of Tonga Offshore Mining Limited, entitled “Abyssal initiative for Blue Growth: advancing SDG 14 and the quest for a Blue Economy through the promotion of socioeconomic benefits for developing countries, including SIDS, and increasing scientific knowledge and research capacity: perspectives on deep sea mining”. Another was organized by UN-Oceans (“Supporting the implementation of the ocean-related targets in the 2030 Agenda”). Last but not least, the Authority participated in a side event organized by the governments of Switzerland and Zambia and the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (“Enhancing the participation of the landlocked States in the implementation of sustainable development goal (SDG) 14”). In addition, the Authority hosted an exhibition to raise awareness on its work which was very well received (“Contributing to the sustainable development of deep sea mineral resources the Area for the benefit of mankind: the role of the International Seabed Authority”).

## **B. UN-Oceans**

55. UN-Oceans is a United Nations inter-agency mechanism mandated to strengthen and promote the coordination and coherence of United Nations systems and 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 facilitate inter-agency information exchange, including the sharing of experiences, best practices, tools and methodologies and lessons learned in ocean-related matters.

56. 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 secretariat participated in a number of teleconferences and contributed to discussions on the indicators of Sustainable Development Goal 14 (c) on enhancing the conservation and sustainable use of oceans and their resources by implementing international law as reflected in the United Nations Convention on the Law of the Sea, as recalled in paragraph 158 of General Assembly resolution [66/288](#), entitled “The future we want”.

57. In April 2017, the Secretary-General was pleased to host the sixteenth face-to-face meeting of UN-Oceans at the Authority’s headquarters in Kingston.

## **C. International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf**

58. As one of the three institutions established under the Convention, the Authority maintains a good working relationship and cooperates with the other two bodies: the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

59. As a follow-up to the twentieth anniversary symposium held in October 2016, the International Tribunal for the Law of the Sea convened a symposium in Hamburg, Germany, on 18 March 2017 entitled “ITLOS at 20: Looking into the future”. The Secretary-General was invited to make a presentation on the advisory role and contentious jurisdiction of the Seabed Disputes Chamber of the Tribunal.

60. The Secretary-General was also invited to speak at the open meeting of the Commission on the Limits of the Continental Shelf, held on 10 March 2017, to celebrate the twentieth anniversary of its establishment. In his statement, the Secretary-General underlined the specific and narrowly defined mandates and responsibilities of both the Commission and the Authority, as well as the importance of the establishment of national maritime boundaries, including the outer limits of the continental shelf, in order for the Authority to be able to effectively fulfil its responsibilities under the Convention. It was further emphasized that only seven States parties have fulfilled their obligation under paragraph 2, article 84, to deposit charts or lists of geographical coordinates showing the outer limit lines of the continental shelf with the Secretary-General of the Authority.

#### **D. Relationship with other organizations**

61. During the reporting period, the Authority was represented at the 2017 International Cable Protection Committee plenary meeting, held in Montevideo from 25 to 27 April 2017. Discussions have been initiated to enhance cooperation between the Authority and the Committee in the use of Science Monitoring and Reliable Telecommunications (SMART) technology.

62. In April 2017, the OSPAR Commission and the North-East Atlantic Fisheries Commission invited the Authority to participate in the third meeting under the collective arrangement, held in London. Although the secretariat of the Authority was not able to be represented at that meeting, it submitted a written statement describing the current work of the Authority.

63. Pursuant to the agreement of cooperation between the Authority and the International Hydrographic Organization, signed during the twenty-second session of the Authority, the Secretary-General attended the first session of the Assembly of the International Hydrographic Organization, held in Monaco from 24 to 28 April 2017.

### **XIII. Relations with the host country**

64. The secretariat enjoys an excellent working relationship with the host country. On 7 March 2017, a meeting was organized between the Secretary-General and Sheila Sealy Monteith, Acting Permanent Secretary, Ministry of Foreign Affairs and Foreign Trade of Jamaica, during which it was agreed to improve cooperation by holding regular quarterly meetings to discuss matters of common interest. The meeting was also the occasion to discuss the implications for the Authority of the proposed relocation of the United Nations agencies present in Jamaica to the building presently occupied by the Authority.

65. The Secretary-General is strongly in favour of and welcomes the initiative of the Government of Jamaica to relocate the other United Nations agencies, and the secretariat has participated in the various working groups and committees established to work out the practical issues and modalities associated with the move. One of the key benefits to the Authority of the move is the possibility of sharing

certain essential services with other United Nations agencies, including security and safety services.

66. One of the most pressing needs for the secretariat is a multifunctional conference room, equipped with modern audiovisual equipment and suitable for workshops and seminars. Such a room would enable the secretariat to hold more of its technical meetings, seminars and workshops in Jamaica. It is hoped that provision for such a conference room can be incorporated into the future planning for Block 11.

#### **XIV. Previous session of the Authority**

67. The twenty-second session of the Council of the Authority was held in Kingston from 11 to 22 July 2016, and comprised its 213th to 223rd meetings. The Council elected Mariusz Orion Jędrysek (Poland) as its President. During the session, the Council took note of the reports on the status of contracts for exploration in the Area (see [ISBA/22/C/5](#)), the periodic review of the implementation of the plans of work for exploration in the Area (see [ISBA/22/C/7](#)) and the status of national legislation relating to deep seabed mining (see [ISBA/22/C/8](#)). The Council considered the summary report of the Chair of the Legal and Technical Commission on the work of the Commission during the twenty-second session (see [ISBA/22/C/17](#)) and adopted a decision relating to that report (see [ISBA/22/C/28](#)). Acting on the recommendation of the Commission, the Council approved an application for the approval of a plan of work for exploration for cobalt-rich ferromanganese crusts submitted by the Government of the Republic of Korea and requested the Secretary-General to issue the plan of work in the form of a contract between the Authority and the Government of the Republic of Korea (see [ISBA/22/C/20](#)). Also acting on the recommendation of the Commission, the Council approved six applications for extension of contracts for exploration, submitted respectively by 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. and the Institut français de recherche pour l'exploitation de la mer. The decisions of the Council with respect to each application are contained in documents [ISBA/22/C/21](#) to [ISBA/22/C/26](#). The Council welcomed the Commission's work on the framework for the exploitation regulations, in particular the provision of the first working draft of the exploitation regulations, endorsed the Commission's list of priority deliverables for the development of the exploitation regulations over the next 12 to 18 months (see [ISBA/22/C/17](#), annex II) and requested the Commission to continue its work on exploitation regulations as a matter of priority (see [ISBA/22/C/30](#)). On the basis of the recommendations of the Finance Committee, the Council adopted a decision relating to the budget of the Authority for the financial period 2017-2018 (see [ISBA/22/C/18](#)). The Council proposed two candidates to the Assembly for election as Secretary-General (see [ISBA/22/C/27](#)), and adopted a decision relating to the election of members of the Commission (see [ISBA/22/C/29](#)), in which the Council, among others, elected 30 members of the Commission for the period 2017-2021, and requested the Secretary-General, in consultation with the Commission, to provide a report regarding procedures for election of the members of the Commission, by 31 December 2016, for consideration by the Council at the twenty-third session.

68. The twenty-second session of the Assembly of the Authority was held in Kingston from 11 to 22 July 2016, and comprised its 155th to 161st meetings. The Assembly elected Mohammad Khurshed Alam (Bangladesh) as its President. During the session, 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 Convention (a summary of the debate is contained in [ISBA/22/A/15](#)). The Assembly also considered the interim report of the Review Committee established to oversee the implementation of the Convention under article 154 (the decision of the Assembly in that respect is contained in [ISBA/22/A/11](#)). The Assembly elected Michael W. Lodge (United Kingdom) as Secretary-General for a four-year term of office commencing on 1 January 2017 (see [ISBA/22/A/10](#)). The Assembly elected 15 nominees as members of the Finance Committee to serve for the period 1 January 2017 to 31 December 2021 (see [ISBA/22/A/14](#)). The Assembly also elected 18 States to fill vacancies on the Council (see [ISBA/22/A/12/Rev.1](#)). On the recommendation of the Council, the Assembly adopted the budget and scale of assessment for the financial period 2017-2018 (see [ISBA/22/A/13](#)).

## **XV. Ongoing supervision of contracts for exploration and award of new contracts as necessary**

69. At the core of the Authority's functions, as the organization through which States parties to the Convention administer the resources of the Area, is the responsibility to approve and issue contracts to qualified entities wishing to explore for or exploit deep-sea mineral resources. The contractual nature of the relationship between the Authority and those wishing to conduct activities in the Area is fundamental to the legal regime established by Part XI of the Convention and the 1994 Agreement. Annex III to the Convention, which sets out the "Basic conditions of prospecting, exploration and exploitation", also forms an integral part of that legal regime, which is further elaborated in the rules, regulations and procedures adopted by the Authority.

### **A. Status of contracts for exploration**

70. As at 31 May 2017, 27 contracts for exploration had entered into force (17 for polymetallic nodules, 6 for polymetallic sulphides and 4 for cobalt-rich ferromanganese crusts). During the reporting period, three new contracts were signed. A contract for exploration for polymetallic nodules was signed with the Cook Islands Investment Corporation on 15 July 2016, a contract for exploration for polymetallic sulphides was signed with the Government of India on 26 September 2016 and a contract for exploration for polymetallic nodules was signed with the China MinMetals Corporation on 12 May 2017. An exploration contract for cobalt-rich ferromanganese crusts with the Government of the Republic of Korea, approved by the Council in 2016, is expected to be signed in the course of 2017.

71. Following the decision of the Council to approve five-year extensions of the contracts of exploration with the Interoceanmetal Joint Organization, Yuzhmoregeologiya, the Government of the Republic of Korea, the China Ocean Mineral Resources Research and Development Association, Deep Ocean Resources Development Co., Ltd. and the Institut français de recherche pour l'exploitation de la mer, extension agreements with the Interoceanmetal Joint Organization, the Government of the Republic of Korea, the China Ocean Mineral Resources Research and Development Association and Deep Ocean Resources Development Co., Ltd. have been signed. The remaining extension agreements will be signed before the end of the twenty-third session of the Authority.



## **B. Pending application for contracts for exploration**

72. On 25 January 2017, an application for exploration for polymetallic sulphides was received by the Secretary-General from the Government of Poland. The application area is in the Mid-Atlantic Ridge, located between the Hayes, Atlantis and Kane transform fault zones. The application is to be considered by the Commission during its meetings in July and August 2017.

## **C. Status of annual reports submitted by the contractors**

73. Each contractor is obligated to submit an annual report to the Secretary-General of the Authority within 90 days of the end of each calendar year, covering its programme of activities in the exploration area. As at 31 March 2017, a total of 26 annual reports were received. Those annual reports are to be considered by the Commission during its session in July 2017.

## **D. Informal meeting of the contractors**

74. On 21 and 22 June 2017, the Secretary-General convened an informal meeting of contractors in Kingston. The purpose of the meeting was, inter alia, to introduce the contractors to the new database of the Authority, currently under development, and to hold informal exchanges on other matters of concern, including the status of the development of the mineral exploitation code.

# **XVI. Progressive development of the regulatory regime for activities in the Area**

75. 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**

76. 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.

77. The regulations are supplemented by recommendations for the guidance of contractors issued by the Legal and Technical Commission. At present, recommendations that have been issued by the Commission include:

(a) Recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration ([ISBA/19/LTC/14](#));

(b) Recommendations 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](#));

(c) Recommendations for the guidance of contractors for the reporting of actual and direct exploration expenditure ([ISBA/21/LTC/11](#));

(d) Recommendations for the guidance of contractors on the content, format and structure of annual reports ([ISBA/21/LTC/15](#)).

78. In addition, during its twenty-first session, the Council adopted the procedures and criteria for extension of an approved plan of work for exploration (see [ISBA/21/C/19](#)). During its eighteenth session, the Council approved the environmental management plan for the Clarion-Clipperton Fracture Zone as recommended by the Commission, which includes the designation, on a provisional basis, of a network of areas of particular environmental interest and gives effect to the precautionary approach as called for by the Regulations (see [ISBA/18/C/22](#)).

## **B. Exploitation**

79. It is recalled that the Council, at its seventeenth session in 2011, requested the secretariat to prepare a strategic workplan for the formulation of the regulations for mining of deep-sea minerals in the Area (see [ISBA/17/C/21](#)). During its nineteenth session in 2013, the Commission began consideration of the issues relating to proposed regulations for exploitation of polymetallic nodules in the Area (see [ISBA/19/C/14](#)). At its twentieth session in 2014, the Council requested the 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 in the Area (see [ISBA/20/C/31](#)). Accordingly, in July 2015, the Commission issued a revised draft framework and action plan and identified seven priority deliverables for the next 12 to 18 months (see [ISBA/21/C/16](#)). The Council endorsed the Commission's list of priority deliverables and requested the Commission to continue its work on exploitation regulations as a matter of priority (see [ISBA/21/C/20](#)). In July 2016, the Commission considered a revised working draft of the exploitation regulations and provided a second phase of priority deliverables for the development of the exploitation regulations over the next 12 to 18 months (see [ISBA/22/C/17](#)), which was endorsed by the Council. The Council further requested the Commission to continue its work on exploitation regulations as a matter of priority (see [ISBA/22/C/28](#)). Subsequent to that meeting in July 2016, the Commission issued a revised working draft to the members of the Authority and all stakeholders for comments. During its 2017 spring session, the Commission considered the stakeholders' comments on the working draft exploitation regulations (including the standard clauses of the exploitation contract) as well as a discussion paper on the development and drafting of regulations on exploitation for mineral resources in the area (environmental matters).

80. From 20 to 24 March 2017, in Berlin, the secretariat of the Authority organized an international workshop entitled "Towards an ISA Environmental Management Strategy for the Area" together with the German Federal Environmental Protection Agency and the Federal Institute for Geosciences and Natural Resources of Germany. The objective of the workshop was to assist the Authority in designing a strategy for environmental management of deep seabed mining. More specifically, the workshop provided a multi-stakeholder forum in which experts in science, law and environmental management, among others, exchanged views and provided feedback from a multidisciplinary perspective on

various issues in connection with the design and development of the environmental provisions of the mining code, based on the discussion paper on environmental matters issued by the secretariat in January 2017. Among the items discussed were environmental standards, environmental impact assessment procedures and criteria, adaptive management, regional environmental management and elements of a long-term environmental strategy for the Authority. The report of the workshop, identifying points for further consideration, will be published as a technical study of the Authority.

81. The secretariat and some members of the Legal and Technical Commission also participated in an external workshop connected with the development of a payment mechanism, which was held in Singapore in April 2017. The key focus of the workshop was the introduction to participating stakeholders of a working financial model and a subsequent discussion of the components of the model and its underlying assumptions. A financial model is an important deliverable because it will allow the Commission to explore royalty-rate scenarios and payment mechanism options for the various phases of exploitation, and to discuss those scenarios with contractors and other stakeholders. To further develop the workshop product into a viable working model and to incorporate suggested options, the Secretary-General intends to request contractors to provide their forecasted financial data to the secretariat to allow a range of such data to be modelled. The Singapore workshop also considered possible incentive mechanisms, including funds and bonds, to support the delivery of environmental objectives. Such mechanisms will require further investigation, including with regard to other market-based financial tools and a related issue of the liability regime of the Area. A summary report of the workshop is available on the Authority's website.

### **C. National laws and regulations relating to deep seabed mining**

82. 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 submitted 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, [ISBA/21/C/7](#) and [ISBA/22/C/8](#)).

83. On 10 March 2017, the secretariat circulated a note verbale 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, France, Kiribati and Nauru submitted their national legislation on 21 February, 19 April and 18 May 2017 respectively. On 18 May 2017, Georgia submitted its relevant information to the secretariat.

84. As at 31 May 2017, the following States had provided information on, or the texts of, relevant national laws, regulations and administrative measures: Belgium, China, the Cook Islands, Cuba, Czechia, the Dominican Republic, Fiji, France, Georgia, Germany, Guyana, India, Japan, Kiribati, Mexico, Nauru, the Netherlands, New Zealand, Nigeria, Niue, Oman, the Republic of Korea, Singapore, Tonga, the United Kingdom, the United States of America and Zambia. A submission was also

received from the secretariat of the Pacific Community, on behalf of the Pacific Islands region.

## **XVII. Promotion and encouragement of marine scientific research in the Area**

### **A. Technical workshops**

85. Since 1998, the Authority has convened a number of 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.

86. Workshops are important for the standardization of the data and information required for the assessment of the environmental impact of activities in the Area and the environmental management of the large provinces of mineral wealth in the Area. Workshops are also an important mechanism for the promotion and encouragement of marine scientific research in the Area, for providing an opportunity for contractors and applied scientists to exchange ideas and for serving as a platform for the identification of gaps in the knowledge base required to sustainably undertake exploitation in the Area, which could be better addressed through collaboration among contractors and with the international scientific community.

87. Given the limited funding available, it is expected that most workshops convened by the Authority would be focused on issues associated with the priority deliverables identified in connection with the development of the exploitation regulations. In that regard, the joint workshop on environmental matters, held in Berlin from 20 to 24 March 2017, has already been mentioned.

88. During the second half of 2017, the secretariat intends to convene a technical workshop to establish design criteria for “impact reference zones” and “preservation reference zones”. Terms of reference for such a workshop were adopted by the Legal and Technical Commission at its meeting in February 2017.

### **B. Sensitization seminars**

89. As a capacity-building and outreach initiative, the Authority has also, over the years, organized sensitization seminars aimed at bringing 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 regime 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. Previous sensitization seminars have been held in Manado, Indonesia (2007), Rio de Janeiro, Brazil (2008), Abuja (2009), Madrid (2010), Kingston (2011), Mexico City (2013), United Nations Headquarters in New York (2010, 2012, 2014), Pretoria (2015) and Santiago (2015).

90. A sensitization seminar was held in Kampala from 2 to 4 May 2017 on the marine mineral resources of Africa’s continental shelf and adjacent international

seabed area and the prospects for the sustainable development of Africa's maritime domain, in support of Africa's blue economy. That seminar was the first to be held in a landlocked African country and was held in partnership with the African Minerals Development Centre, the Pew Environment Group and GRID-Arendal. The seminar was intended to motivate African States to build relevant technical capacity in relation to activities in the deep seabed, increase their participation in decisions that relate to the Area and take part in the activities in the Area; define and enable sustainable activities on Africa's continental shelf; and contribute to the sustainable development of Africa's blue economy. The seminar discussed issues associated with the work of the Authority on marine mineral resources development and the protection and preservation of the marine environment from activities in the Area, and discussed and proposed mechanisms for improving regional cooperation and the participation of African countries, in particular the landlocked countries, in the deep seabed regime. One of the key outcomes of the seminar was a voluntary commitment to the United Nations Conference to Support the Implementation of Sustainable Development Goal 14 by the Authority, the African Minerals Development Centre and GRID-Arendal to work together to develop a programme on fostering cooperation to promote the sustainable development of Africa's deep seabed resources in support of Africa's blue economy.

91. Many requests are received for sensitization seminars and it is clear that there is a high demand for such initiatives among members of the Authority. It is also apparent that there is a general lack of awareness and lack of coordination on issues associated with the implementation of the Convention generally. It must be emphasized, however, that the Authority has no dedicated budget for the purpose of holding sensitization seminars. While the costs of hosting such seminars are usually met by the host country, funds are needed to support the attendance of members of the secretariat and external experts and, where possible, the participation of representatives from other countries in the region. Without dedicated funding for that purpose, it is only possible to support such seminars through the limited cost savings that can be realized in other budgets and programmes, combined with support from external donors and other organizations. In that regard, the Secretary-General wishes to express his utmost appreciation to the African Minerals Development Centre, GRID-Arendal, the Pew Environment Group and the Government of Uganda for their financial and in-kind support that made the seminar in Kampala possible. In-kind support was also gratefully received from the National Oceanography Centre in Southampton, United Kingdom, G-TEC Sea Mineral Resources NV, UK Seabed Resources, Ltd. and the Government of the Netherlands. The Secretary-General welcomes and encourages similar cooperation from other member States and interested organizations.

## **XVIII. Strengthening and coordination of international cooperation in marine scientific research**

92. The secretariat has been working in close cooperation with the Global Ocean Observing System, an international programme executed by the Intergovernmental Oceanographic Commission of UNESCO, for the launching of a deep ocean observatory strategy. In line with that, the secretariat is currently in the process of exploring the possibility of strengthening its cooperation with relevant international organizations, such as the International Cable Protection Committee, the Intergovernmental Oceanographic Commission of UNESCO and the International Atomic Energy Agency, as well as with other stakeholders such as the University of Hawaii at Manoa, in the implementation of SMART methodology for telemetric

real-time monitoring of the deep sea subject to natural and anthropogenic activities in the Area.

93. The secretariat is also working towards the standardization of marine bathymetric information collected in the Area in cooperation with relevant international organizations, including the Intergovernmental Oceanographic Commission and the International Hydrographic Organization. It is anticipated that such collaboration will provide invaluable information for the recently launched General Bathymetric Chart of the Oceans programme to map the ocean floor by 2030, “GEBCO 2030”.

94. In 2017, the secretariat entered into an informal cooperation with ATLAS, a transatlantic assessment and deep-water ecosystem-based spatial management plan for Europe. ATLAS is a four-year European Union Horizon 2020 project, coordinated by the University of Edinburgh, Scotland, in partnership with Canada and the United States, which aims to gather diverse new information on sensitive Atlantic ecosystems (including vulnerable marine ecosystems and ecologically or biologically sensitive areas) to produce a step change in our understanding of their connectivity, functioning and responses to future changes in human use and ocean climate. The secretariat is currently assessing the platforms and formats of information generated by ATLAS with the database management plan that it is implementing.

95. As a product of its efforts to promote the standardization of environmental data and information collected by the contractors, the Authority is developing a series of online atlases to serve as taxonomic visual aids for contractors and other stakeholders. The first atlas, for megafauna in the Clarion-Clipperton Fracture Zone (<http://ccfzatlas.com>) is online, and two new atlases for macrofauna and meiofauna in the same region will be online in the second or third quarter of 2018 (providing that the supporting images are provided by contractors). The secretariat is also preparing further atlases for species associated with polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area, which will be implemented by the end of 2018. The atlases are not intended to replace standard taxonomic tools (taxonomic keys), but rather to provide a complementary working tool to refine in an effective manner the identification of species linked to the mineral resources and their habitats. The information will also provide a window for the whole world to the marine biodiversity found in the Area.

96. In addition, the Authority is also progressing in the uses of new molecular technologies to monitor marine biodiversity in the deep sea using next generation sequencing of environmental DNA in collaboration with the Deep Ocean Stewardship Initiative, the Mediterranean Science Commission, the International Union for Conservation of Nature, the University of Geneva and the International Barcode of Life Project (iBOL).

## **XIX. Data Management Strategy**

97. The Legal and Technical Commission, in its report to the Council in 2015, requested the secretariat to provide a draft data management strategy and the financial implications of its implementation (see [ISBA/21/C/16](#), para. 36). In response to that request, a document was prepared by a working group of the Commission and, subsequently, with the assistance of a consulting firm, that presents a summary of the preliminary review of the current data management arrangement by the secretariat. The Commission formed the Working Group on Data Management Strategy during its February 2016 session. Based on the recommendations of the Commission, funding was approved in the budget of the

Authority for the financial period 2017-2018 to develop a new and improved database and to implement the Data Management Strategy. The budget included the approval of two new established posts within the secretariat: a Database Manager and a Geographic Information Systems Officer. Recruitment to both positions was completed in April 2017.

98. Starting in August 2016, the secretariat has begun migrating all historical data provided by contractors into a digital format (reporting templates) and into geo-referenced data (ArcGIS shapefile formats). Tabular data migrated has so far reached 1.7 million data points from areas under the approved plan of works. The process will be followed by the implementation of the Database Management Strategy plan with the assistance of an external consultant. The implementation is currently in phase 3, (information technology design and development). Periodic progress reports are delivered to the Legal and Technical Commission. The database structure and concept was also introduced to contractors at an informal meeting convened by the Secretary-General in June 2017. That meeting also provided an opportunity for technical discussions with individual contractors concerning gaps in data coverage, problems with data format and compatibility and other technical problems. It is expected that the full implementation of the Data Management Strategy will be finalized by the end of October 2018.

## **XX. Capacity-development and training**

99. 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: the training programmes provided by contractors as part of the contracts for exploration in the Area, and the Endowment Fund for Marine Scientific Research in the Area. The secretariat formalized its internship programme in 2014. In addition, since 2011, the Authority has been among the host institutions 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 of the Office of Legal Affairs of the United Nations Secretariat.

### **A. Contractor training programme**

100. Contractors with the Authority have a legal obligation to provide and fund training opportunities for trainees from developing States and the Authority. Between 2013 and 2016, a total of 45 training places were provided by nine contractors. The types of training include at-sea training, engineering training, fellowship training, master's and PhD programmes and workshop internships. Among the selected trainees, 16 were from the African group (Burkina Faso, Cameroon, the Democratic Republic of the Congo, Egypt, the Gambia, Ghana, Madagascar, Mauritius, Namibia, Nigeria, South Africa and Zambia), 14 were from the Asia-Pacific group (Bangladesh, the Cook Islands, Fiji, India, Indonesia, Kiribati, Papua New Guinea, the Philippines, Singapore, Solomon Islands and Thailand), 1 was from the Eastern European group (Georgia) and 14 were from the Latin American and Caribbean group (Argentina, Brazil, Colombia, Cuba, Jamaica and Mexico). Fourteen of the 45 trainees were women.

101. In March 2017, Bamidele Oresajo (Nigeria) was selected for an at-sea training programme, Muhammad Y. Dosoky (Egypt) for an internship on taxonomy and Alana Jute (Trinidad and Tobago) for an internship on habitat offered by the Institut

français de recherche pour l'exploitation de la mer. Adelsia Coelho da Silva (Timor-Leste) was selected for the summer session of the Rhodes Academy of Oceans Law and Policy offered by G-TEC Sea Mineral Resources NV, and Ana Clara Coni e Mello (Brazil) for a G-TEC Sea Mineral Resources NV seminar on dredging technologies. In May 2017, Rashid Bazlar (Bangladesh), Mariana Benites (Brazil) and Gor Gevorgyan (Armenia) were selected for fellowship training by the China Ocean Mineral Resources Research and Development Association, and Leslee Salzman (South Africa) was selected for at-sea training by the Ministry of Oceans and Fisheries of the Republic of Korea.

102. In 2017, the Ministry of Natural Resources and Environment of the Russian Federation is offering five training opportunities under two separate training programmes, in accordance with its exploration contracts for polymetallic sulphides and cobalt-rich ferromanganese crusts, both covering theoretical courses and at-sea training on board research vessels. The Federal Institute for Geosciences and Natural Resources of Germany is offering four at-sea training places scheduled from 21 August to 13 October 2017, in accordance with its exploration contract for polymetallic sulphides, providing on-board and laboratory work and scientific techniques for the exploration of polymetallic sulphides by developing investigative planning skills, on-board work experience and data analysis and interpretation skills. The Japan Oil, Gas and Metals National Corporation is offering four at-sea training places scheduled for May-June 2018 for a duration of 40 days, in accordance with its exploration contract for cobalt-rich ferromanganese crusts, providing on-board work and investigative techniques for cobalt-rich ferromanganese crusts by developing investigative planning skills, on-board work experience and data analysis and interpretation skills. All such training opportunities have been advertised on the Authority's website and have been widely circulated to member States.

103. If all existing contracts and approved plans of work are implemented according to the recommendations made by the Legal and Technical Commission with respect to training programmes, in particular the recommendation that no fewer than 10 training places should be provided in each five-year period of the work programme, it could be expected that approximately 200 training places would be made available by contractors between 2017 and 2021.

## **B. Endowment Fund for Marine Scientific Research in the Area**

104. 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. Pursuant to the agreed procedures, an advisory panel was appointed by the Secretary-General in 2014 to evaluate applications for assistance from the Fund and make recommendations to the Secretary-General (see annex).

105. The 14th meeting of the advisory panel was held on 2 March 2017. The funds available for use in 2017 are about \$24,000. The panel recommended an amount of \$10,000 to support the at-sea training (international cooperative study of seafloor sulphides on slow and ultra-slow spreading ridges) proposed by the Second Institute of Oceanography of China, an amount of \$8,000 to support the deep-sea mining seminar proposed by Shanghai Jiao Tong University and an amount of \$4,000 to the Rhodes Academy of Oceans and Law Policy for its 2017 session, in addition to a surplus from 2016 of \$3,000.



106. As at 31 May 2017, a total of 115 scientists or government officials from 45 countries have been beneficiaries of financial support from the Fund. The recipients were from Angola, Argentina, Bangladesh, the Plurinational State of Bolivia, Brazil, Bulgaria, Cameroon, Chile, China, Colombia, the Cook Islands, Costa Rica, Egypt, Fiji, Greece, Guyana, India, Indonesia, the Islamic Republic of Iran, Jamaica, Kenya, Madagascar, Malaysia, Malta, Mauritania, Mauritius, Micronesia, Namibia, Nigeria, Norway, Palau, Papua New Guinea, Peru, the Philippines, the Russian Federation, Sierra Leone, South Africa, Sri Lanka, Suriname, Thailand, Tonga, Trinidad and Tobago, Tunisia, Turkey and Viet Nam.

107. In administering the Fund, the secretariat of the Authority is required to endeavour to make arrangements with universities, scientific institutions, contractors and other entities to enable opportunities for scientists from developing countries to participate in marine scientific research activities. Such arrangements may include reducing or waiving 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](http://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), the Institut français de recherche pour l'exploitation de la mer (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 México (Mexico) and International Cooperation in Ridge-Crest Studies, an international, non-profit organization which promotes interdisciplinary studies of oceanic spreading centres.

108. The secretariat will continue to take steps to generate interest in the Fund on the part of potential donors and institutional partners. In that regard, it is noted that, in paragraph 68 of its resolution [71/257](#), the General Assembly expressed its appreciation to States that have made contributions to the Fund and encouraged States to make additional contributions to the Fund. It is also noted that, during its twenty-second session, in its decision relating to financial and budgetary matters ([ISBA/22/C/18](#)), the Council of the Authority strongly encouraged members of the Authority to make voluntary contributions to the Fund.

109. Notwithstanding the above calls, it is unfortunate that no contributions have been made to the Fund since 2 December 2016. The lack of support, combined with negligible investment returns, severely affects the extent to which the Fund can fulfil its mandate. The Fund is one of the principal 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 it.

### **C. Internship**

110. The purpose of the Authority's 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 Authority accepts interns on a limited basis, depending on the specific needs of respective offices and their capacity to effectively support, accommodate and supervise the interns.

111. As at 31 May 2017, a total of 19 university graduates or governmental officials from Australia, Belgium, Chile, China, the Cook Islands, Ecuador, Fiji, France, Jamaica, Japan, Norway, Papua New Guinea, Tonga, the United Kingdom and the United States have participated in the internship programme. One major constraint in providing internships, especially to individuals from developing countries, is that the Authority has no funding to support interns, who must therefore find their own financial support for travel and subsistence. The Secretary-General would welcome any possible extrabudgetary support for an internship programme to benefit individuals from developing countries.

## 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 to Jamaica

**Niu Qingbao**

Permanent Representative to the International Seabed Authority and Ambassador Extraordinary and Plenipotentiary of China to Jamaica

**Ariel Fernández**

Permanent Representative to the International Seabed Authority and Ambassador Extraordinary and Plenipotentiary of Argentina to 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

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## Assembly

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**Twenty-third session**  
Kingston, 7-18 August 2017

**Letter dated 3 February 2017 from the Chair of the Committee established by the Assembly to carry out a periodic review of the international regime of the Area pursuant to article 154 of the United Nations Convention on the Law of the Sea to the Secretary-General of the International Seabed Authority**

It is my honour to transmit to you herewith the final report of the Review Committee, established by the Assembly of the International Seabed Authority at its twenty-first session, regarding the periodic review of the Authority pursuant to article 154 of the United Nations Convention on the Law of the Sea (see annex). The report was today approved by the Review Committee by consensus.

The Review Committee wishes to express its sincere gratitude to you, Mr. Secretary-General, for providing excellent administrative and logistical support to its work and, in particular, for your most valuable input in the course of the drafting of the final report. Please convey this expression of gratitude also to all of your collaborators involved in the review process.

I may request you to present the final report of the Review Committee to States parties and observers of the Authority before 15 April 2017, as decided by the Assembly at its twenty-second session.

*(Signed)* Helmut **Tuerk**  
Ambassador  
Chair



**Annex to the letter dated 3 February 2017 from the Chair of the Committee established by the Assembly to carry out a periodic review of the international regime of the Area pursuant to article 154 of the United Nations Convention on the Law of the Sea to the Secretary-General of the International Seabed Authority**

**Final report on the periodic review of the International Seabed Authority pursuant to article 154 of the United Nations Convention on the Law of the Sea**

**I. Introduction**

1. In its decision [ISBA/21/A/9/Rev.1](#) of 24 July 2015, the Assembly of the International Seabed Authority decided to undertake, pursuant to article 154 of the United Nations Convention on the Law of the Sea, 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 Assembly also decided that such a review should 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 of the Authority, with the President of the twenty-first session of the Assembly remaining a member of the Review Committee until the completion of the review, and that the Chairs of the regional groups might also participate as observers in the Review Committee. The Assembly further decided that the review should be conducted by independent consultants appointed by the Review Committee on the basis of a short list of qualified consultants prepared by the Secretary-General of the Authority according to the established procurement procedures of the Authority.

2. In the same decision, the Assembly decided that an interim report, including comments by the secretariat, the Legal and Technical Commission and the Finance Committee of the Authority, should be submitted for consideration by the Assembly at its twenty-second session, in 2016, and that the final report, including any draft recommendations designed to improve the operation of the regime, should be presented by the Review Committee to the Assembly at its twenty-third session, in 2017. The Assembly requested 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.

3. In accordance with its procurement procedures, the Authority undertook a procurement exercise consisting of sealed bid tenders following the issuance of an invitation to tender to pre-qualified consultants. The tenders were evaluated by the contracts review committee of the Authority according to the pre-announced technical and financial criteria, consistent with those set out in the procurement procedures of the United Nations. Following a full evaluation, the contract for the conduct of the review was awarded to Seascope Consultants Limited.

4. At its twenty-second session, the Assembly took note of the interim report by Seascope dated 15 May 2016, the comments of the Review Committee, the comments of the Legal and Technical Commission and the comments of the Finance

Committee, as well as the oral report by the Chair of the Review Committee and the deliberations of the Assembly under the respective agenda item (see decision [ISBA/22/A/11](#)). In the light of the aforementioned comments and deliberations, the Assembly decided to provide States parties, observers and stakeholders a further opportunity to submit written observations on the interim report, and the comments thereto, before 15 October 2016, including, if they had not done so, to reply to the questionnaire drawn up by Seascope. The Secretary-General was requested to transmit the draft final report, as approved by the Review Committee, to States parties and observers before 15 April 2017.

5. Pursuant to the aforementioned decision of the Assembly, the Review Committee entrusted Seascope with the production of a revised interim report before 15 January 2017, taking into account the observations and comments made in the Assembly at the twenty-second session of the Authority, as well as any other comments received. The revised interim report, or “final report”, which also includes an executive summary, was submitted by Seascope ahead of schedule on 30 December 2016. It draws on an analysis of additional observations and responses, together with comments and oral observations made at the twenty-second session of the Authority, and is available from <http://bit.ly/2kEywzL>.

6. At a meeting held in Kingston from 30 January to 3 February 2017, the Review Committee carefully studied the revised interim report. It noted that efforts had been made by Seascope to consolidate and reduce the number of recommendations contained in the interim report, some of which had also been reworded. The Committee would have hoped for a higher response rate to the questionnaire that had been transmitted by Seascope once again to all groups of stakeholders involved with the Authority. The relatively low number of responses made it more difficult for the Committee to evaluate how much support a recommendation contained in the revised interim report actually enjoyed. In a number of instances, the methodology employed did not make it sufficiently clear whether a recommendation sufficiently reflected the views of, if not the entire, at least the overwhelming majority of the members of the Authority. This is a matter of concern that will need to be addressed prior to engaging in the next article 154 periodic review. The data used by Seascope in preparing its report have been transmitted to the Secretary-General and are available on request.

7. Overall, the Review Committee considered that the revised interim report provided a useful basis for its discussions. Certain gaps in the report were largely filled in by the Secretary-General in his comments. The Committee has very carefully analysed each recommendation contained in the report, has substantially reduced their number and has endeavoured to add more precision to recommendations phrased in general terms. The Committee decided not to pursue some of the recommendations as it became evident during its deliberations that they were quite far removed from the practices that the Authority had developed over the past 20 years and were currently unlikely to be accepted by consensus. Some other recommendations were not taken up as they were considered premature at the current stage of evolution of the Authority, although they might be borne in mind in the future. The Committee, in drafting its recommendations, was also guided by the principle of not in any way going beyond the limits set in the Convention and related instruments.

8. The recommendations set forth in the final report of the Review Committee should thus, in the Committee's view, provide a good foundation for the Assembly to take further action. It should be noted that the numbering of the recommendations in the present report does not correspond to the numbering in the revised interim report by Seascap.

## II. Recommendations of the Review Committee

### A. Control of seabed activities

9. The question of the control of seabed activities by sponsoring States merits profound examination. Attention should be drawn to the advisory opinion of the Seabed Disputes Chamber of the International Tribunal for the Law of Sea on the responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area ([ISBA/17/C/6-ISBA/17/LTC/5](#)). In the advisory opinion, the Seabed Disputes Chamber, inter alia, stated that under the Convention, sponsoring States have the obligation to ensure compliance by sponsored contractors with the terms of the contract and the obligations set out in the Convention and related instruments, as well as direct obligations with which they must comply independently of their obligation to ensure a certain conduct on the part of the sponsored contractors.

#### *Recommendation 1*

**Sponsoring States are invited, if they have not already done so, to review their respective national legislation to control activities by entities with whom they have entered into contracts for exploration, drawing on the advisory opinion of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea.**

10. It should also be recalled that the Council of the Authority had requested the Secretary-General to update, on an annual basis, the study on 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 decision [ISBA/18/C/21](#)). At the twentieth session of the Council, a proposal was made for the secretariat to undertake a comparative study of existing national legislation with a view to deriving common elements.

#### *Recommendation 2*

**The Secretary-General should be requested to complete and continually update the compilation of the relevant national laws, regulations and administrative measures of sponsoring States with respect to activities in the Area.**

## **B. Data management**

11. There is a critical need to adopt a clear strategy and policy for data management and to establish the required database. Funding was provided in the budget of the Authority for the financial period 2017-2018 to develop and implement a database and to recruit a database manager, taking into account article 167 (2) of the Convention. The Secretary-General envisages a meeting to be held with all of the contractors in 2017 to launch the database and to fill gaps in data coverage.

### ***Recommendation 3***

**Continued investment in better data management and data-sharing mechanisms is needed, including a review of the quality and consistency of data gathered.**

## **C. Legal rights and responsibilities with respect to exploration and exploitation of deep-sea minerals**

12. The legal rights and responsibilities established by the Authority for seabed exploration are now needed for the next phase, exploitation. This is a matter to be considered by the Legal and Technical Commission and the Council in the context of the development of a regulatory framework for exploration and exploitation. The consideration of the legal rights and responsibilities should include the setting out of criteria for new contracts, in view of the current onerous process for their annual review.

### ***Recommendation 4***

**New contracts, including all extensions, should be prescriptive, with standard terms and conditions and detailed plans of work that set clear objectives and that can be monitored and enforced. The Assembly should be informed of the state of all contracts at least once every five years.**

## **D. Review of annual reports and plans of work**

13. The Review Committee recalls that in 2016, the Legal and Technical Commission adopted a revised reporting template for contractors, requiring the submission of raw data in a standardized format using Microsoft Excel, which could be entered directly into the Authority's database. Once the database is fully operational, contractors will be able to submit data directly through a web portal. This will significantly reduce the time necessary for secretariat staff to manually review data and will enable them to allocate more time for the analysis of data and trends therein. The same reporting template also requires contractors to submit an executive summary of their annual reports in a standardized format. If all contractors followed the template, this would relieve the secretariat of the need to compile a summary of the report for the Commission and reduce the amount of reading required by its members. Internal processes within the secretariat have been streamlined through the establishment of the Contracts Management Unit, which



will include the additional post of Training Coordinator. The Unit will act as the focal point for the submission of reports by contractors and will better manage the internal workflow for the review of annual reports. This will also reduce the time needed to review the annual reports internally.

14. In this connection, it should, in particular, be recognized that under the current system, members of the Council are not provided with sufficient time to thoroughly study the recommendations of the Legal and Technical Commission, much less to seek instructions from capitals, if necessary.

***Recommendation 5***

**Deficiencies of the current process lie in the area of reporting to the Council and providing meaningful feedback to contractors. The present schedule of meetings of the Legal and Technical Commission and the Council therefore needs to be revisited.**

**E. Protection and preservation of the marine environment**

15. As the beginning of commercial seabed mining approaches, progress should also be made regarding the protection and preservation of the marine environment. This raises questions on the level of expertise in both the Legal and Technical Commission and the secretariat, as well as on the lack of information. A later recommendation will deal with the Legal and Technical Commission. With regard to the secretariat, it should be noted that it is lacking in environmental expertise, since the current establishment makes provisions for only one environmental scientist (Marine Biologist) at the P-4 level. The issue of sharing and accessing environmental data collected by contractors is raising concerns about their compliance with their contractual obligations.

***Recommendation 6***

**The Secretary-General should be requested to consider adding expertise in the fields of environmental policy, management and planning in the secretariat as a matter of priority, taking into account budgetary implications. Furthermore, the sharing and accessing of environmental data collected by contractors seems to require improvement.**

**F. Promotion and encouragement of marine scientific research in the Area**

16. It is recognized that the Secretary-General attaches the highest importance to the implementation of the Authority's mandate to promote and encourage marine scientific research in the Area and to disseminate related knowledge for the benefit of all States parties, particularly the developing countries. In this regard, better engagement with the global scientific community and relevant deep-sea science projects and initiatives is indispensable. The promotion and encouragement of marine scientific research is the subject of programme 2.5 of the workplan and budget for 2017-2018, with a financial provision of \$224,300 over the biennium.

***Recommendation 7***

**The Secretary-General should be encouraged to consider how to engage more extensively with the scientific community and deep-sea science projects and initiatives related to the Area.**

**G. Development of marine technology**

17. It should be noted that no significant work has been carried out by the Authority to effectively monitor the development of marine technology relevant to activities in the Area, except for the monitoring of technology as described in the annual reports of contractors.

***Recommendation 8***

**Although the primary responsibility for developing relevant marine technology should rest with the contractors, the Authority should place emphasis on the specification of the agreed performance standards in the context of the work on the exploitation regulations under the mining code.**

**H. Record of decisions of the Council**

18. In recent years, the Council has adopted the practice of recording in a decision any decisions taken after its consideration of the summary report of the Chair of the Legal and Technical Commission on the work of the Commission, highlighting the action to be taken by the Council itself, member States, contractors, the Commission and the secretariat, among others. These decisions, together with the report of the President of the Council, form a record of decisions adopted by the Council.

***Recommendation 9***

**The Secretary-General should be requested to produce a report for each session of the Council recalling the decisions that were adopted at the previous session and reporting on the implementation of those decisions as they relate to action required of the secretariat and/or subsidiary organs.**

**I. Frequency of Council meetings**

19. Under article 161 (5) of the Convention, the Council shall meet as often as the business of the Authority may require, but not less than three times a year. In practice, during the establishment phase of the Authority and the preparation of the first set of exploration regulations, the Council met twice a year. The move to one meeting a year took place when the workload of the Authority had declined. In recent years, however, the workload of the Authority has increased substantially.

***Recommendation 10***

**An increase in the number of meetings of the Council should be considered in the light of the relevant provision of the Convention and the development of the workload of the Council.**

**J. Resources and skills of the secretariat**

20. The question of the resources of the secretariat has to be assessed in the light of budgetary considerations. It should be noted that the budget for the financial period 2017-2018 represents a net increase of 8.81 per cent from the budget for the period 2015-2016. A further significant change for the budget for 2017-2018 is the introduction of programme expenditures, which will facilitate a transition towards results-based budgeting and improved accountability in financial and budgetary matters. The estimated income from contractor fees in 2017-2018 amounts to \$2.3 million, representing 13.8 per cent of the total approved budget. The remainder of the budget is financed from the assessed contributions of member States, in line with article 160 (2) (e) of the Convention. The required skills of the secretariat need to be reconsidered continually in the light of the evolution of the Authority.

***Recommendation 11***

**The Secretary-General should be requested to keep under review the required skills and available expertise within the secretariat and to make adjustments when necessary. These could include proposals for additional established posts, subject to the required justification, taking into account article 167 (2) of the Convention.**

**K. Establishment of the Enterprise and appointment of an Interim Director-General**

21. The question of establishing the Enterprise has been on the agenda of the Legal and Technical Commission since 2014. At its previous meeting, in July 2016, the Commission was provided by the secretariat with an update on the status of consideration of issues relating to the operation of the Enterprise. The Commission noted that other priorities had limited the progress made in relation to that issue, which involved complex questions such as the capitalization and value of joint ventures with the Enterprise. In that connection, it was also suggested that the current economic context must be taken into account. The Commission took note of the progress report and decided to keep the matter on its agenda for further consideration. Although the Convention and the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea mandate the appointment of an Interim Director-General of the Enterprise from among the staff of the secretariat, no such appointment has been made since 2012. In view of the current low staffing level in the secretariat, there is the potential for conflicts of interest between the responsibilities of an Interim Director-General and senior staff of the Secretariat.

***Recommendation 12***

**The Legal and Technical Commission should be requested to continue to address the issue of the operationalization of the Enterprise as an important matter in the light of developments with respect to deep-sea mining. However, the appointment of an Interim Director-General of the Enterprise would not be advisable at this point in time.**

**L. Structure of and coordination within the secretariat**

22. It should be noted that as of 1 January 2017, the secretariat consists of the following major organizational units, each headed by an official accountable to the Secretary-General (see [ISBA/ST/SGB/2017/01](#)): the Executive Office of the Secretary-General, the Office for Administrative Services, the Office of Legal Affairs and the Office for Environmental Management and Mineral Resources. Mechanisms have been put in place aimed at enhancing corporate communication and facilitating collective management. Such measures include the establishment of a senior management group, chaired by the Secretary-General, assisting him in ensuring strategic coherence and direction in the work of the secretariat.

***Recommendation 13***

**The Secretary-General should be requested to make every possible use of the new mechanisms available for enhancing communication and coordination within the secretariat.**

**M. Working groups of the Legal and Technical Commission**

23. It should be noted that the Legal and Technical Commission is the master of its own internal procedures. Thus far, it already has a practice of establishing working groups when necessary. In view of the growing importance of environmental issues in relation to deep-sea mining, it would be highly useful if the Commission could focus on these issues in greater detail, for example, by establishing a working group.

***Recommendation 14***

**The Legal and Technical Commission should be encouraged to continue its practice of setting up working groups dealing with particular areas of expertise. In this context, the establishment of a working group dealing with environmental issues should be considered.**

**N. Future meeting schedule of the Authority**

24. The current meeting schedule of the various organs of the Authority does not meet the needs of an international organization faced with an increasing workload and a growing number of highly complex issues. The current scheduling of the meetings of the Finance Committee, the Legal and Technical Commission, the Council and the Assembly is giving rise to various difficulties. The Council does not

have sufficient time to thoroughly study the results of the work of the Legal and Technical Commission, neither is it in a position to present annual reports to the Assembly as required under article 162 (2) (h) of the Convention. Neither the Council nor the Assembly are able to devote themselves sufficiently to examining the report of the Finance Committee, and there is no possibility of delegations seeking instructions in relation thereto from capitals, if necessary.

25. The system of embedding the meetings of the Council in the time frame allotted to the Assembly may also contribute to insufficient attendance at the meetings of this supreme organ of the Authority, as delegates do not have sufficient substantial work to justify their presence in Kingston for two weeks. In line with the practice of other international organizations, the meetings of these two major organs of the Authority should be clearly separated, and the meetings of the Assembly should not coincide with those of the Council. Both the Legal and Technical Commission and the Finance Committee should meet well ahead of the meetings of the Council and the Assembly in order to allow for appropriate consideration of their work. In a budget year, the Finance Committee may also need to meet twice; one of the meetings might be held by videoconference.

#### ***Recommendation 15***

**The meeting schedule of the various organs of the Authority should be revised if possible, as of 2018, also in the light of budgetary considerations, on the basis of a proposal by the Secretary-General to be submitted in 2017. The meetings of the Legal and Technical Commission and the Finance Committee should thus be convened early in the year so that their reports can be dealt with by the Council and the Assembly at the meetings of these organs at a later date.**

### **O. Role, composition and workload of the Legal and Technical Commission**

26. The role, composition and workload of the Legal and Technical Commission require in-depth scrutiny, as this organ of the Authority is undoubtedly overburdened by its manifold tasks. It should be recalled that at present the Legal and Technical Commission is also carrying out, in accordance with the 1994 Agreement, annex, section 1, paragraph 4, the functions of the Economic Planning Commission until such time as the Council decides otherwise or until the approval of the first plan of work for exploitation. The Legal and Technical Commission occupies a central place within the structure of the Authority that engenders particular interest in its work, not only by member States, but by all stakeholders. Although confidentiality is a central tenet of the deliberations of the Commission, greater attention should be paid to the issue of transparency in its work. The holding by the Commission of an open meeting in July 2016 was met with unanimous acclaim.

27. In nominating candidates to the Legal and Technical Commission, it is crucial to ensure that its members have the appropriate qualifications set forth in article 165 (1) of the Convention, such as those relevant to the exploration for and exploitation and processing of mineral resources, oceanology, protection of the marine environment or economic or legal matters relating to ocean mining and

related fields of expertise. That provision of the Convention also entrusts the Council to endeavour to ensure that the membership of the Commission reflects all appropriate qualifications. Concerns have been expressed about the balance of expertise in the Commission, and a potential lack of sufficient expertise in economic and subsea technical operations has been noted. These imbalances in the composition of the Commission do not only relate to expertise, but also to equitable geographical representation. In view of the increasing workload of the Commission, consideration should be given to extending the duration of its meetings or to provide for one additional meeting per year.

***Recommendation 16***

**The Legal and Technical Commission should be encouraged to hold more open meetings in order to allow for greater transparency in its work. To improve the balance of expertise of the Commission, details on the required areas of specialities should be provided in the letter from the Secretary-General to member States inviting the nomination of candidates. In order to enable the Commission to cope with its increasing workload, the current meeting schedule should be re-examined.**

**P. Strategic plan for the Authority**

28. The adoption of a long-term plan defining the strategic direction and aims of the Authority would be of major importance. It would also facilitate the production of a programme of work for the secretariat, with clear milestones and deliverables. The budget of the Authority could then be prepared on the basis of the agreed programme of work. A draft strategic plan for consideration by the Council and subsequently by the Assembly should be prepared by the Secretary-General and could include issues in respect of which the Authority must come to some conclusion, such as monopolization, common heritage, benefit-sharing, effective control and dominant position, as well as the establishment of appropriate mechanisms for directing and supervising a staff of inspectors to monitor compliance, as required under article 162 (2) (z) of the Convention.

***Recommendation 17***

**The Secretary-General should be requested to submit a draft strategic plan to the Assembly, if possible at its twenty-fourth session, in 2018.**

**Q. Confidentiality**

29. It should be noted that data and information relating to the protection and preservation of the marine environment, in particular those from environmental monitoring programmes, are not to be considered confidential (see also regulation 7, paragraph 1, of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area ([ISBA/19/C/17](#), annex), regulation 7, paragraph 1, of the Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area ([ISBA/16/A/12/Rev.1](#), annex), and regulation 7, paragraph 1, of the Regulations on Prospecting and Exploration for Cobalt-rich Ferromanganese Crusts in the Area

(ISBA/18/A/11, annex)). With regard to access to non-confidential data and information held by the secretariat, any deficiencies are being addressed through the database development and management project as part of programme 2.4 of the budget of the Authority for the period 2017-2018.

***Recommendation 18***

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

**R. Transparency of finance provisions**

30. Under article 140 (2) of the Convention, the Authority is to provide for the equitable sharing of financial and other economic benefits derived from activities in the Area through any appropriate mechanism, on a non-discriminatory basis, in accordance with article 160 (2) (f) (i).

***Recommendation 19***

**Attention should be paid to transparency as the finance provisions in the rules and regulations of the Authority in connection with the regime of benefit-sharing are developed, which will have an impact on the ability of the Authority to act on behalf of mankind, with special consideration given to the needs of developing States.**

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# Assembly

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## **Comments by the Secretary-General on the recommendations contained in the final report on the periodic review of the International Seabed Authority pursuant to article 154 of the United Nations Convention on the Law of the Sea**

### **Report of the Secretary-General**

1. In its decision [ISBA/21/A/9/Rev.1](#) of 24 July 2015, the Assembly of the International Seabed Authority decided to undertake, pursuant to article 154 of the United Nations Convention on the Law of the Sea, 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 Assembly also decided that such a review should 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 of the Authority, with the President of the twenty-first session of the Assembly remaining a member of the Review Committee until the completion of the review, and that the Chairs of the regional groups might also participate as observers in the Review Committee.

2. By a letter dated 3 February 2017, the Chair of the Review Committee, Helmut Tuerk (Austria) transmitted to the Secretary-General the final report of the Committee ([ISBA/23/A/3](#)). The report contains 19 recommendations, which are to be considered by the Assembly at its twenty-third session.

3. The present report is intended to assist the Assembly in its consideration of those recommendations by providing responses to those recommendations that are addressed to the Secretary-General or concern the secretariat.

4. In general, the Secretary-General welcomes the recommendations put forward by the Review Committee. Several of the recommendations, including those aimed at improving internal processes within the secretariat, have been acted upon already. Before responding to the specific recommendations, the Secretary-General wishes to make the following general observations:

(a) A strategic plan, adopted for a five-year period, would greatly assist in ensuring sound budgetary planning and the proper allocation of resources to work programmes and improve accountability and transparency;





(b) Low participation by member States in the activities and meetings of the Authority is a major problem. This needs to be addressed on multiple fronts, including by reorganizing the meeting schedule of the various organs of the Authority, better communication with permanent missions and member States and increased outreach and communications activities;

(c) The issue of data management, including a strategy for providing public access to open data, urgently needs to be resolved. Financial resources have been allocated for this in the 2017-2018 budget, with a specific work programme for data management, and progress has already been made towards implementation of the work programme;

(d) The Authority's important role in promoting and encouraging marine scientific research in the Area and in coordinating and disseminating the results of such research for the benefit of developing States has been neglected in the past, with any activities being limited in scope. This should be addressed through initiatives such as collaborative scientific partnerships with the Authority and capacity-building programmes.

### **Recommendation 1**

**Sponsoring States are invited, if they have not already done so, to review their respective national legislation to control activities by entities with whom they have entered into contracts for exploration, drawing on the advisory opinion of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea.**

5. The recommendation is addressed to sponsoring States and the Secretary-General has no comment to make.

### **Recommendation 2**

**The Secretary-General should be requested to complete and continually update the compilation of the relevant national laws, regulations and administrative measures of sponsoring States with respect to activities in the Area.**

6. The Secretary-General welcomes the recommendation. As noted in the final report of the Review Committee, the Council had 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 decision [ISBA/18/C/21](#)). This has been done, and details of the information provided by members of the Authority, including the full text of relevant laws and regulations, are available through the website of the Authority.

7. Although a proposal had been made in a meeting of the Council for the secretariat to undertake a comparative study of the existing national legislation with a view to deriving common elements from the national legislation submitted to it, resources have not permitted such a study to be completed to date. Should such a study be considered useful, the Secretary-General could undertake to produce it before the end of 2018.

### **Recommendation 3**

**Continued investment in better data management and data-sharing mechanisms is needed, including a review of the quality and consistency of data gathered.**

8. The Secretary-General attaches the highest importance to this recommendation. Funding was provided in the 2017-2018 budget to develop and implement a database and to recruit a database manager. Implementation of this project began in January 2017. At the time of reporting, a database manager has been recruited and is in post. Following an international tender, in accordance with established procedures, the secretariat has engaged external consultants to design and build the database. The requisite hardware has also been procured. Most of the old data in the possession of the secretariat have been analysed and migrated to the new database format. In June 2017, the Secretary-General will convene a meeting of contractors to inform them of progress, review the database structure and enlist their assistance to fill in gaps in data coverage.

#### **Recommendation 4**

**New contracts, including all extensions, should be prescriptive, with standard terms and conditions and detailed plans of work that set clear objectives and that can be monitored and enforced. The Assembly should be informed of the state of all contracts at least once every five years.**

9. The Secretary-General takes note of this recommendation. A report on the status of contracts is provided to the Council on an annual basis. There would be no difficulty in presenting a similar report to the Assembly every five years.

#### **Recommendation 5**

**Deficiencies of the current process [of reviewing annual reports and plans of work] lie in the area of reporting to the Council and providing meaningful feedback to contractors. The present schedule of meetings of the Legal and Technical Commission and the Council therefore needs to be revisited.**

10. The Secretary-General appreciates the sentiment behind this recommendation. It is noted that the recommendation was developed on the basis of a detailed explanation of the process of reviewing annual reports provided to the Review Committee by the Secretary-General. For the benefit of the Assembly, the gist of that explanation is set out below.

11. There is no doubt that, over the years, the system of reviewing the annual reports of contractors has become cumbersome and time-consuming both for the secretariat and for the members of the Legal and Technical Commission, particularly as the number of annual reports has increased (from 6 in 2001 to 26 in 2017), as well as their length and complexity. The average word count of a contractor report in 2006 was 2,562 words, compared with 18,082 words in 2016. While it is clearly important for the Legal and Technical Commission to understand and be informed of the activities of contractors, it is difficult to objectively evaluate the value of the current paper review exercise. It is well recognized, including by the Commission, that the current system has become unmanageable, and therefore changes have been introduced to make the process more efficient.

12. At present, the annual reports by contractors are submitted by 31 March of each year. Most are received in one of the working languages of the secretariat, but some are received in one of the other official languages and need to be translated. This adds an additional burden to the work of the secretariat, as well as additional cost. For example, in 2016, the cost of translating just one report came to \$26,035. Reports are received in narrative format, accompanied in some cases by photographs, graphs and charts, and data in various media formats. They are subjected to internal analysis by technical staff in the secretariat and a summary is prepared for the use of the members of the Legal and Technical Commission. At the same time, the reports and supporting documentation are loaded onto a secure

website, accessible only to members of the Commission, for their private study and review.

13. The process of reviewing the annual reports is extremely time-consuming for the secretariat. Assuming all 26 reports are received by the end of March, it would take three Professional staff members working full-time three months to complete the review process. While some members of the Commission may review some aspects of the reports individually, most do not have time to do so. The Commission therefore relies on the summary reports produced by the secretariat. During the July session, approximately 10 days (60 meeting hours) is allocated to the Commission, which means that even if there was no other business for the Commission to consider, a maximum of 2.3 hours could be spent on each of the annual reports (not including time for reading). In reality, the pressure of other business means that the study of annual reports is relegated to lunchtimes, evenings and weekends.

14. After review, the Commission prepares a document in the form of an “evaluation report” for submission to the Secretary-General. This document contains the Commission’s general comments on the reports, which are subsequently forwarded to the Council, as well as specific comments on the reports of each individual contractor. These individual comments are conveyed to the contractors by the Secretary-General, usually in the form of a letter. Responses by the contractors and any follow-up action would be reflected in the annual report for the following year.

15. Several measures have already been taken by the Commission and by the secretariat to improve the process. In 2016, the Commission adopted a revised reporting template for contractors, requiring the submission of raw data in a standardized Microsoft Excel format that can be entered directly into the Authority’s database. Once the new database is fully operational, contractors will be able to submit data directly through a secure web portal. This will significantly reduce the time necessary for secretariat staff to manually review data and will enable them to allocate time more profitably to analysing data. The same reporting template also requires contractors to submit an executive summary of their annual reports in a standardized format. If all contractors follow the template, this would relieve the secretariat of the need to compile a summary of the reports for the Commission and reduce the amount of reading required of the members of the Commission.

16. In January 2017, internal processes within the secretariat were streamlined through the establishment of the Contract Management Unit, which will act as the focal point for the submission of reports by contractors and will better manage the internal workflow for the review of annual reports. This will also reduce the time needed to review annual reports internally. A meeting of contractors will be convened in June 2017 to introduce contractors to the new database structure, complete any remaining gaps in data coverage and explain the process of annual report submission to contractors (see para. 8 above).

17. Several further measures are being explored. The proposal to introduce page limits for annual reports is potentially useful, although the ability to submit data electronically should resolve the issues with long narrative reports. The submission of very long reports in languages other than the working languages of the secretariat of English and French adds a substantial cost burden and should be discouraged. The Legal and Technical Commission has already signalled its intention to review its internal working methods.

18. As noted in the Review Committee’s recommendation, the greatest deficiencies of the current process are in the areas of reporting to the Council and providing meaningful feedback to contractors. In the view of the Secretary-General, the process of providing necessary feedback to the contractors can be improved

through the holding of more regular meetings of the contractors in Kingston, as well as through direct bilateral contacts at technical levels. Issues concerning the schedule of meetings of the Commission and the Council is taken up under recommendation 15.

#### **Recommendation 6**

**The Secretary-General should be requested to consider adding expertise in the fields of environmental policy, management and planning in the secretariat as a matter of priority, taking into account budgetary implications. Furthermore, the sharing and accessing of environmental data collected by contractors seems to require improvement.**

19. The Secretary-General takes note of the recommendation and will take up the matter in the context of the next budget cycle and ongoing review of the needs of the secretariat. The issue of sharing of environmental data should be resolved with the implementation of the new database.

#### **Recommendation 7**

**The Secretary-General should be encouraged to consider how to engage more extensively with the scientific community and deep-sea science projects and initiatives related to the Area.**

20. The Secretary-General attaches the highest importance to the implementation of the Authority's mandate to promote and encourage marine scientific research in the Area and to coordinate and disseminate such knowledge for the benefit of all States parties, but particularly the developing countries. In this regard, better engagement with the global scientific community and relevant deep sea science projects and initiatives related to the Area is indispensable. As noted by the Review Committee, the promotion and encouragement of marine scientific research is the subject of programme 2.5 of the workplan and budget for 2017-2018, with a financial provision of \$167,800 over the biennium. This is clearly insufficient to carry out any original scientific research or to organize activities and coordinate results on a global scale. Nevertheless, the Secretary-General takes note of the recommendation and will consider how to use the available resources in the most effective way, including by seeking to leverage extrabudgetary funds to engage with the scientific community and support relevant initiatives.

#### **Recommendation 8**

**Although the primary responsibility for developing relevant marine technology should rest with the contractors, the Authority should place emphasis on the specification of the agreed performance standards in the context of the work on the exploitation regulations under the mining code.**

21. The Secretary-General takes note of the recommendation.

#### **Recommendation 9**

**The Secretary-General should be requested to produce a report for each session of the Council recalling the decisions that were adopted at the previous session and reporting on the implementation of those decisions as they relate to action required of the secretariat and/or subsidiary organs.**

22. The Secretary-General welcomes the recommendation. The first such report has been prepared for 2017 and the Secretary-General welcomes feedback from the Council as to how the report may be improved in future years.

**Recommendation 10**

**An increase in the number of meetings of the Council should be considered in the light of the relevant provision of the Convention and the development of the workload of the Council.**

23. The Secretary-General welcomes the recommendation. Issues concerning the schedule of meetings of the Commission and the Council is taken up under recommendation 15 below.

**Recommendation 11**

**The Secretary-General should be requested to keep under review the required skills and available expertise within the secretariat and to make adjustments when necessary. These could include proposals for additional established posts, subject to the required justification, taking into account article 167 (2) of the Convention.**

24. The Secretary-General welcomes the recommendation. Since assuming office, the Secretary-General has restructured the secretariat to improve efficiency and respond to a changing and ever increasing workload. A detailed external audit of information and communications technology infrastructure was conducted in January 2017. An assessment of the future needs of the Office of Legal Affairs and the Office for Environmental Monitoring and Mineral Resources will be carried out in late 2017. Any proposals for additional established posts would be taken up in the next budget cycle, following a full assessment of the need for additional capacity within the secretariat.

**Recommendation 12**

**The Legal and Technical Commission should be requested to continue to address the issue of the operationalization of the Enterprise as an important matter in the light of developments with respect to deep-sea mining. However, the appointment of an Interim Director-General of the Enterprise would not be advisable at this point in time.**

25. The Secretary-General takes note of the recommendation, which is addressed to the Legal and Technical Commission.

**Recommendation 13**

**The Secretary-General should be requested to make every possible use of the new mechanisms available for enhancing communication and coordination within the secretariat.**

26. The Secretary-General welcomes the recommendation.

**Recommendation 14**

**The Legal and Technical Commission should be encouraged to continue its practice of setting up working groups dealing with particular areas of expertise. In this context, the establishment of a working group dealing with environmental issues should be considered.**

27. The Secretary-General takes note of the recommendation, which is addressed to the Legal and Technical Commission.

**Recommendation 15**

**The meeting schedule of the various organs of the Authority should be revised if possible, as of 2018, also in the light of budgetary considerations, on the basis of a proposal by the Secretary-General to be submitted in 2017. The meetings of the Legal and Technical Commission and the Finance Committee should thus be convened early in the year so that their reports can be dealt with by the Council and the Assembly at the meetings of these organs at a later date.**

28. The Secretary-General welcomes the recommendation, which is related to recommendations 5 and 10 above. As requested by the Review Committee, the Secretary-General has prepared a proposal for a revised schedule of meetings in 2018 and 2019, elaborated in annexes I and II to the present report.

**Recommendation 16**

**The Legal and Technical Commission should be encouraged to hold more open meetings in order to allow for greater transparency in its work. To improve the balance of expertise of the Commission, details on the required areas of specialities should be provided in the letter from the Secretary-General to member States inviting the nomination of candidates. In order to enable the Commission to cope with its increasing workload, the current meeting schedule should be re-examined.**

29. The Secretary-General takes note of the recommendation, which is addressed to the Legal and Technical Commission.

**Recommendation 17**

**The Secretary-General should be requested to submit a draft strategic plan to the Assembly, if possible at its twenty-fourth session, in 2018.**

30. The Secretary-General welcomes the recommendation and would have no difficulty in submitting a draft strategic plan to the Assembly in 2018.

**Recommendation 18**

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

31. The Secretary-General welcomes the recommendation. As stated previously, non-confidential information will be available through the new database in a user-friendly format.

**Recommendation 19**

**Attention should be paid to transparency as the finance provisions in the rules and regulations of the Authority in connection with the regime of benefit-sharing are developed, which will have an impact on the ability of the Authority to act on behalf of mankind, with special consideration given to the needs of developing States.**

32. The Secretary-General takes note of the recommendation, which appears to be related to the process concerning the development of the mining code.

## Annex I

### Revised meeting schedule for 2018 and 2019

#### Proposal by the Secretary-General

1. The Secretary-General proposes the below schedule of meetings for 2018 and 2019. The schedule has been developed following extensive internal consultations, as well as consultations with member States, the host Government and conference-servicing staff. It should be noted that all proposed dates are indicative only and are subject to the availability of the Jamaica Conference Centre facility, as well as interpretation services. Efforts have been made, however, to avoid early February (Jamaica Diplomatic Week) and the main session of the General Assembly (September to December).

2. In preparing the proposal contained in the present annex, the following guiding principles have been taken into account:

(a) The schedule of meetings must be cost-effective for the Authority and for member States. As far as possible, it should be possible to accommodate the revised meeting schedule within the existing budget for conference services;<sup>1</sup>

(b) Sufficient time needs to be allowed between meetings of the subsidiary bodies (the Legal and Technical Commission and the Finance Committee) and the meetings of the Council to allow for the reports of the subsidiary bodies to be finalized, translated and published so that members of the Council have sufficient time in advance to study and consider those reports;

(c) The position of the Assembly as the supreme organ of the Authority must be respected and meetings organized in such a way as to maximize attendance by members of the Authority and to ensure that the Assembly has a substantive workload;

(d) The revised meeting schedule should provide for additional meetings of the Council, recognizing the increased workload of the Authority (recommendation 10);

(e) The meetings of the Legal and Technical Commission and the Finance Committee should be held early in the year so that their reports can be dealt with by the Council and the Assembly at the meetings of those organs at a later date (recommendation 15).

#### Twenty-fourth session, first part (March 2018)<sup>2</sup>

3. The Legal and Technical Commission will meet for nine days to consider the following items:

(a) Draft exploitation regulations;

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<sup>1</sup> The Authority currently budgets for 60 to 64 meetings per year (128 for the biennium). The present proposal involves a significant increase in the number of meetings to 78 in 2018 and 72 in 2019 (150 for the biennium). However, meeting services makes up approximately 30 per cent of the total conference budget, with documentation accounting for approximately 45 per cent. As a result of measures proposed by the Finance Committee in 2016, including reductions in the numbers of New York-based conference-servicing staff, as well as savings in the costs of documentation, it is expected that the increased number of meetings can be accommodated with no additional cost to the budget.

<sup>2</sup> Thirteen days, 34 meetings, including one week of parallel meetings (Finance Committee and Legal and Technical Commission).

- (b) Standing agenda items (training, applications for approval of plans of work, etc.);
  - (c) Any items referred by the Council in 2017;
  - (d) Preparation of a report to the Council for consideration in July 2018;
  - (e) Presentation of an interim report to the Council in March 2018.
4. The Finance Committee will meet for four days (in parallel with the Legal and Technical Commission) to consider the following items:<sup>3</sup>
- (a) Draft budget proposals for 2019-2020;
  - (b) Draft financial reports;
  - (c) Standing agenda items;
  - (d) Other matters requiring the consideration of the Finance Committee.
5. The Council will meet for four days following the meeting of the Legal and Technical Commission to consider the following matters:
- (a) Matters pending from the twenty-third session (including draft exploitation regulations);
  - (b) Report of the Legal and Technical Commission on contractors' activities in 2017;
  - (c) Interim report of the Legal and Technical Commission;
  - (d) Standing agenda items, including any applications for approval of plans of work;
  - (e) Draft report to the Assembly.

**Twenty-fourth session, second part (July 2018)<sup>4</sup>**

6. The Legal and Technical Commission will meet for nine days to consider:
- (a) Draft exploitation regulations;
  - (b) Standing agenda items (training, applications for approval of plans of work, etc.);
  - (c) Annual reports of contractors (to be reported to the Council in March 2019);
  - (d) Additions and updates to the report of the Commission to the Council.
7. The Finance Committee will meet, if required, for two to three days (in parallel with the Legal and Technical Commission) to consider:
- (a) The audit report from 2017;
  - (b) Financial statements;
  - (c) Unfinished business from the first part of the session.

<sup>3</sup> The Finance Committee will meet for five days in 2018 because 2018 is a budget year, so the Finance Committee will need to consider the proposed budget of the Authority for 2019-2020. Holding the meeting early in the year means an additional workload for the secretariat in terms of preparing budget proposals several months earlier than usually expected, but this cannot be avoided.

<sup>4</sup> Nineteen days, 38-44 meetings, including two to three days of parallel meetings (Finance Committee and Legal and Technical Commission).



8. The Council will meet for five days following the meeting of the Legal and Technical Commission to consider:

- (a) The report of the Legal and Technical Commission from the first part of the session;
- (b) Budget and scale of assessed contributions for 2019-2020;
- (c) Standing agenda items, including any applications for approval of plans of work;
- (d) Finalization of the first draft report to the Assembly (to be presented in 2019).

9. The Assembly will meet for five days following the meeting of the Council to consider:

- (a) The annual report of the Secretary-General;
- (b) The draft strategic plan proposed by the Secretary-General;
- (c) The budget and scale of assessed contributions for 2019-2020;
- (d) The election of members of the Council;
- (e) Standing agenda items.

**Twenty-fifth session, first part (March 2019)<sup>5</sup>**

10. The Legal and Technical Commission will meet for nine days to consider the following items:

- (a) Draft exploitation regulations;
- (b) Items referred to the Commission by the Council during the twenty-fourth session;
- (c) Standing agenda items (training, applications for approval of plans of work, etc.);
- (d) Preparation of a report to the Council for consideration in July 2019;
- (e) Presentation of an interim report to the Council in March 2019.

11. The Finance Committee will meet for two days, if required (in parallel with the Legal and Technical Commission or possibly remotely) to consider the following items:<sup>6</sup>

- (a) Draft budget proposals for 2019-2020;
- (b) Draft financial reports;
- (c) Standing agenda items;
- (d) Other matters requiring the consideration of the Finance Committee.

12. The Council will meet for four days following the meeting of the Legal and Technical Commission to consider the following matters:

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<sup>5</sup> Eighteen days, 36 meetings.

<sup>6</sup> There may be no need for the Finance Committee to meet twice in a non-budget year, or, if required, a second meeting could be held by videoconference. It may be noted, however, that the agenda of the Finance Committee will continue to evolve. At a certain point it will be required to take up the matter of regulations for the equitable sharing of financial and other economic benefits from deep-sea mining.

- (a) Matters pending from the twenty-fourth session (including draft exploitation regulations);
  - (b) Report of the Legal and Technical Commission on contractors' activities in 2018;
  - (c) Interim report of the Legal and Technical Commission;
  - (d) Standing agenda items, including any applications for approval of plans of work;
  - (e) Draft report to the Assembly.
13. The Assembly will meet for five days, following the meeting of the Council, to consider:
- (a) The annual report of the Secretary-General;
  - (b) The report of the Council (from 2018);
  - (c) Implementation of the strategic plan;
  - (d) Standing agenda items.

**Twenty-fifth session, second part (July 2019)<sup>7</sup>**

14. The Legal and Technical Commission will meet for nine days to consider:
- (a) Draft exploitation regulations;
  - (b) Standing agenda items (training, applications for approval of plans of work, etc.);
  - (c) Annual reports of contractors (to be reported to the Council in March 2020);
  - (d) Additions and updates to its report to the Council.
15. The Finance Committee will meet for three to four days (in parallel with the Legal and Technical Commission) to consider:
- (a) The audit report from 2018;
  - (b) Financial statements;
  - (c) Budget performance;
  - (d) Pre-budget proposals for the next financial period;
  - (e) Preparation of a report to the Council and Assembly for the 2020 session.
16. The Council will meet for five days following the meeting of the Legal and Technical Commission to consider:
- (a) The report of the Legal and Technical Commission from the first part of the session;
  - (b) The budget and scale of assessed contributions for 2019-2020;
  - (c) Standing agenda items, including any applications for approval of plans of work;
  - (d) Finalization of the draft report to the Assembly for 2020.

<sup>7</sup> Fourteen days, 32-36 meetings, including three to four days of parallel meetings (Finance Committee and Legal and Technical Commission).

## Annex II

## Revised meeting format for 2018 and 2019

## Twenty-fourth session (2018)

	<i>Week 1</i>	<i>Week 2</i>	<i>Week 3</i>	<i>Week 4</i>	<i>Maximum number of meetings</i>
<i>First part (March 2018)</i>					
Legal and Technical Commission	4 days	5 days			18
Finance Committee		4 days			8
Council			4 days		8
<b>Total number of meetings</b>					<b>34</b>
<i>Second part (July 2018)</i>					
Legal and Technical Commission	4 days	5 days			18
Finance Committee		2-3 days (if required)			6
Council			5 days		10
Assembly				5 days	10
<b>Total number of meetings</b>					<b>44</b>
<b>Total meetings for 2018</b>					<b>78</b>

## Twenty-fifth session (2019)

	<i>Week 1</i>	<i>Week 2</i>	<i>Week 3</i>	<i>Week 4</i>	<i>Maximum number of meetings</i>
<i>First part (March 2019)</i>					
Legal and Technical Commission	4 days	5 days			18
Council			4 days		8
Assembly				5 days	10
<b>Total number of meetings</b>					<b>36</b>
<i>Second part (July 2019)</i>					
Legal and Technical Commission	4 days	5 days			18
Finance Committee		3-4 days			8
Council			5 days		10
<b>Total number of meetings</b>					<b>36</b>
<b>Total meetings for 2019</b>					<b>72</b>



## Assembly Council

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### Twenty-third session

Kingston, 7-18 August 2017

Item 10 of the provisional agenda of the Assembly\*

#### Report and recommendations of the Finance Committee

Item 13 of the provisional agenda of the Council\*\*

#### Report of the Finance Committee

## Report of the Finance Committee

### I. Introduction

1. During the twenty-third session of the International Seabed Authority, the Finance Committee held six meetings between 2 and 4 August 2017.
2. The following members of the Committee participated in the meetings during the twenty-third session: Frida María Armas-Pfirter, Duncan M. Laki, Konstantin G. Muraviov, Hiroshi Onuma, Andrzej Przybycin, Kerry-Ann Spaulding, Ahila Sornarajah, Reinaldo Storani, Zhi Sun, Ye Minn Thein, James Ndirangu Waweru, David Wilkens and Kenneth Wong. The Committee was in full attendance. The following members had resigned from the Committee: Olivier Guyonvarch and Koteswara M. Rao. Following past practice, Didier Ortolland 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 Mr. Guyonvarch.
3. On 2 August 2017, the Committee adopted its agenda ([ISBA/23/FC/1](#)) and elected Mr. Przybycin as Chair and Mr. Thein as Vice-Chair.

### II. Implementation of the budget for the financial period 2015-2016

4. The Committee received an analysis of the budget performance of the International Seabed Authority for the financial period 2015-2016, which shows an implementation rate of 99.3 per cent (see [ISBA/23/FC/9](#)). The Committee requested and received clarification of a number of issues, including the use of consultants, workshops and early implementation of the central data repository programme. The Committee took note of the report on the budget performance for the financial period 2015-2016. The Committee also took note of a report on the budget performance in the first sixth months of 2017.

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\* [ISBA/23/A/L.1](#).

\*\* [ISBA/23/C/L.1](#).



### **III. Audit report on the finances of the International Seabed Authority for 2016**

5. The Committee took note of the report and the opinion of the auditors that the financial statements of the Authority reflect fairly and truly the financial position of the International Seabed Authority as at 31 December 2016 and of its financial performance and cash flows for the year, in accordance with the financial regulations of the Authority, the United Nations system accounting standards and the International Public Sector Accounting Standards (IPSAS).

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

7. In reviewing the financial statements for the year ended 31 December 2016, the Committee requested further information on a number of items, including overspent budget lines and the new line on depreciation of fixed assets, introduced as a result of the implementation of IPSAS. The Committee thanked the Secretary-General for the additional information provided.

### **IV. Appointment of an independent auditor for 2017 and 2018**

8. The Committee decided that the independent auditor should be appointed for a four-year term in accordance with regulation 12.1 of the Authority's financial regulations. After discussion, the Committee decided to recommend to the Assembly the appointment of Ernst & Young, the lowest bidder for the scope of work required, as an independent auditor for a four-year term covering the financial periods 2017-2018 and 2019-2020 (see [ISBA/23/FC/3](#)).

### **V. Review of costs of conference services and possible further cost-saving measures**

9. The Committee was provided with a thorough report on steps taken to effect savings with respect to conference services as well as possible further cost-saving measures ([ISBA/23/FC/8](#)). The Committee expressed its appreciation to the Secretary-General for the efforts being made to effect savings in the budget of the Authority and took note of the measures taken by the Secretary-General to constrain any further unexpected increases in the overall cost of conference services. The Committee also requested him to continue those efforts and to submit a report thereon in 2018.

10. The Authority invited bids to provide interpretation to the Finance Committee and the Legal and Technical Commission. Only one valid bid was received, from Interprefy, a remote web-based service. Using the company's service would decrease the costs of interpretation by almost 50 per cent as compared with the use of United Nations interpreters.

11. Both the Legal and Technical Commission and the Finance Committee tested the service for part of their meetings on 3 August 2017 and individually rated the service. Members were provided the opportunity to question the company after the test. Overall, the evaluation scores given by members were positive, with 81.7 per cent giving a positive rating. Audio quality and technical reliability were given more weight to reflect the fact that interpreters could be replaced in case of poor performance. There were nonetheless some concerns, particularly regarding the quality of interpretation into specific languages. The United Nations interpreters who were present during the test set out their views and suggestions in a paper, which the Committee found very helpful.

12. The Committee recommended that the company's services be used for the Finance Committee and the Legal and Technical Commission in 2018 and then assessed. This is subject to the Secretary-General being able to agree on appropriate terms with Interprefy, in particular to ensure: (a) confidentiality as regards discussions of the two bodies; (b) the quality of interpreters for all required languages; (c) sufficient preparation by interpreters, including familiarization with the work of the Authority; and (d) ensuring the use of an English booth.

## **VI. Status of the Endowment Fund for Marine Scientific Research in the Area, the Voluntary Trust Fund and related matters**

13. The Committee took note of the balance of the Endowment Fund for Marine Scientific Research in the Area in the amount of \$3,500,009 as at 31 May 2017, including interest accrued in 2017 of \$554,747 intended to be utilized to support the participation of qualified scientists and technical personnel from developing countries in marine scientific research and approved programmes. With respect to the Voluntary Trust Fund, the balance stood at \$92,893 as at 31 May 2017, which is critically low (see [ISBA/23/FC/7](#) and [ISBA/23/FC/4](#)). This unsustainable level cannot guarantee the operation of the Fund beyond 2018 (see sect. XI below).

## **VII. Status of the Working Capital Fund**

14. The Committee noted that, as at 31 May 2017, the balance of the Working Capital Fund was \$581,983 and that the balance of \$78,017 would be collected between 2017 and 2020 (see [ISBA/23/FC/7](#)).

## **VIII. Status of the implementation of the International Public Sector Accounting Standards by the Authority**

15. The Committee received a report on the status of implementation of IPSAS by the Authority ([IBSA/23/FC/5](#)). The Committee expressed its appreciation for the impact of IPSAS on the financial statements during the review of the audit report for 2016. It took note of the progress made to date and the plans for full IPSAS implementation for the financial statements for the year ending 31 December 2017.

## **IX. Implementation of the budget format and structure and proposed measures to further enhance accountability, transparency and programme management**

16. The Committee welcomed the six-month period of implementation of the new budget format and structure, which had already resulted in enhancing transparency and strategic planning. The new format and structure would also make possible more detailed reporting on the results achieved in each programme area.

17. It was recalled that the budget format would be kept under review and would evolve in time and with the possible introduction of a strategic plan for the Authority, especially in view of the recommendations from the article 154 review. The Committee took note of the report and requested the Secretary-General to recommend possible further changes to the budget format in the next draft budget and with respect to the need for explanatory notes in the future.

## **X. Status of overhead charges for the administration and supervision of contracts for exploration and the extent to which they reflect costs actually and reasonably incurred**

18. As requested in 2016, the Committee received a report on the administrative fee of \$47,000 to cover overhead costs for the administration of exploration contracts in the Area and the extent to which it reflected costs actually and reasonably incurred (see [ISBA/23/FC/6](#)). As agreed, the level of the fee is to be reviewed periodically to ensure that it is commensurate with actual costs. According to section 10.6 of the standard clauses for exploration contracts, the amount of the annual overhead charge may be revised by the Authority to reflect its costs actually and reasonably incurred.

19. As detailed in the report, costs have evolved since the introduction of the fee of \$47,000. Actual costs for one contract amounted to \$65,613. The Committee identified the increased complexity of the annual reports as well as regular inflation as the main reasons for the increase.

20. Given the need for further consultations before recommendations are made for an increase, the Committee felt it to be premature to recommend an immediate increase of the administrative fee and asked the Secretary-General for a further assessment of the costs and consultations with contractors on possible cost-saving measures. Based on the outcome of the assessment of the costs and consultations, the Committee will in all likelihood make such a recommendation at its next meeting, in 2018.

21. The Committee stressed that an increase in the costs of the administration of exploration contracts should not be borne by member States.

## **XI. Implementation of the rules governing the management and administration of the Voluntary Trust Fund and related matters**

22. The Committee expressed its deep concern over the status of the Voluntary Trust Fund (see [ISBA/23/FC/4](#)). In 2016, the travel costs for 11 members of the Finance Committee and the Legal and Technical Commission totalled \$107,017. The increased number of members of the Commission and the Committee will result in an increase in financial assistance needs. If the level of the Fund remains the same, funding for members from developing countries participating in meetings of the Finance Committee and the Legal and Technical Commission will run out by the end of 2018, and the Fund will be completely depleted.

23. Exploring ways of ensuring the long-term sustainability of the Fund is of critical importance not only to facilitate adequate participation in meetings of the Finance Committee and Legal and Technical Commission, but also to ensure a quorum, which will support the continued transparency and maintain the quality of governance, discussions and decisions of the Authority.

24. Consequently, it is now imperative to introduce strategies to counter the depletion of funds and to promote the long-term sustainability of the Fund. One way is to increase the level of funding, and in that regard the Committee urges member States and others to make contributions to the Fund as soon as possible.

25. In the meantime, despite constant appeals for additional contributions, the pool of donor member States has not expanded. As a result, the Secretary-General requested the Committee to provide guidance on how to prioritize the awarding of

limited funds. The Committee has therefore recommended revisions of the criteria for the use of the Fund. The Committee urges the Secretary-General to ensure compliance with the revised criteria. The suggested revisions are set out in the annex to the present report.

26. The Committee recommended that, in the event that the status of the Fund does not enable him to accommodate all requests for financial assistance before any upcoming meeting, the Secretary-General apply other measures to prioritize the awarding of funds as appropriate.

## XII. Comprehensive review of the United Nations common system compensation package

27. The Committee took note of the changes to the compensation package for staff of the Authority in the Professional and higher categories and noted that those changes would have no financial implications on the administrative budget of the Authority (ISBA/23/FC/2).

## XIII. Other matters

### A. New member of the Authority

28. The Committee recommended that Azerbaijan, which had become a member of the Authority on 16 June 2016, pay the amounts shown below as its contributions to the general administrative budget of the Authority for 2016 and 2017 and provide its proportion of the total advances to the Working Capital Fund, which are to be paid evenly over the four-year period 2017-2020. In accordance with financial regulation 7.1, those contributions are classified as miscellaneous income.

Membership		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)	
		2016	2017	2016	2017	2016	2017	2016	2017
<i>State</i>	<i>Date of beginning</i>								
Azerbaijan	16 June 2016	0.06 <sup>a</sup>	0.06 <sup>b</sup>	0.081	0.081	2 545 <sup>c</sup>	5 280 <sup>d</sup>	–	123 <sup>e</sup>
<b>Total</b>						<b>2 569.61</b>	<b>5 139.21</b>	<b>–</b>	<b>123</b>

<sup>a</sup> General Assembly resolution 70/245.

<sup>b</sup> The United Nations assessment rate for Azerbaijan is set at 0.060 per cent (ST/ADM/SER.B/955).

<sup>c</sup> For 2016, contributions from member States, net of estimated surplus and net of the European Union contribution:  $0.00081 \times \$5,779,711 \times 199 \text{ days}/366 = \$2,545$ .

<sup>d</sup> For 2017, contributions from member States, net of estimated surplus and net of the European Union contribution:  $0.00081 \times 6,518,462 = \$5,280$ .

<sup>e</sup> The Working Capital Fund ceiling is \$660,000, less advances from the United States of America in 1998 and the European Union =  $\$604,330 \times 0.00081 = \$490$  payable over 4 years.

### B. Investments of the Voluntary Trust Fund

29. The Committee noted that, in accordance with financial regulation 9.1, the secretariat would reinvest the Voluntary Trust Fund's current balance of \$184,240 with Jamaica Money Market Brokers Ltd. in order to get a higher rate.



### **C. Functions of the Finance Committee in relation to the preparation of draft regulations on the exploitation of mineral resources in the Area**

30. An exchange of views took place regarding the impact on the workplan of the Committee as a result of the preparation of draft regulations on the exploitation of mineral resources in the Area together with the road map and timeline for regulatory advancement. Several areas were identified that will require input by the Committee.

31. In view of the fact that the formulation of rules, regulations and procedures on the equitable sharing of financial and other economic benefits derived from activities in the Area and the decisions to be made thereon is a matter solely within the purview of the Committee, it was requested that the Secretary-General prepare background information for a preliminary consideration of the matter at its next meeting and circulate it ahead of the meeting.

32. The Committee may also be required to work on rules and procedures for the use of a possible economic assistance fund as well as draft provisions with financial implications.

33. In respect of the draft regulations the Committee also expressed its intention to exchange views with the Commission at its next meeting on a possible timeline.

### **D. Arrears**

34. The Committee expressed its concern about the outstanding contributions from member States in arrears for two or more years in the period 1998-2017. As at 15 July 2017, \$1,897,689 remained outstanding. This includes an amount of \$1,337,724 relating to 2017; \$378,583 relating to 2015-2016, with a balance of \$181,383 relating to previous financial periods. Some \$1,605,783 is due by 20 members, representing 85 per cent of the total amount outstanding. The Committee requested the Secretary-General:

(a) To, with the Committee's assistance, contact coordinators of regional groups in New York to request that they remind their members of their obligation to address their outstanding financial contributions;

(b) To draft a letter to be sent to those members in arrears, highlighting the importance of financial contributions to the Authority's work and the implications of non-payment;

(c) To continue his other efforts to recover arrears, including bilateral efforts.

### **E. Miscellaneous matters**

35. 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. In particular, the Committee requested early circulation of the proposed budget for the period 2019-2020.

36. The Committee also studied a proposal by the Secretary-General on a revised schedule of meetings ([ISBA/23/A/5/Rev.1](#)). In its discussions, the Committee highlighted possible advantages with respect to the organization of work. The Secretary-General demonstrated its cost-neutrality with respect to the administrative

budget. At the same time it was pointed out that the proposal would have financial consequences for delegations and would also be likely to increase requests for funding from the Voluntary Trust Fund. Regarding the meetings of the Finance Committee in particular, a preference was expressed to retain flexibility in terms of the length and frequency of meetings that would be required, depending on the workload on the agenda of the Committee.

#### **XIV. Recommendations of the Finance Committee**

37. In view of the foregoing, the Committee recommends that the Council and the Assembly of the Authority:

(a) *Appoint* Ernst & Young as the Authority's independent auditor for a four-year term for the period 2017-2020;

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

(c) *Note with concern* the increasing amount of outstanding contributions, 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, including by implementing the recommendations set out in paragraph 34 of the present report;

(d) *Note with concern* that the current status of the Voluntary Trust Fund compromises its operation beyond 2018;

(e) *Urge* members and other possible donors to make voluntary contributions to the Endowment Fund and Voluntary Trust Fund of the Authority;

(f) *Revise* the criteria for the management and use of the Voluntary Trust Fund as set out in the annex to the present report;

(g) *Note* that, in accordance with regulation 9.1 of the Authority's financial regulations, the secretariat would reinvest the current balance of \$184,240 in the Voluntary Trust Fund with Jamaica Money Market Brokers Ltd in order to get a higher rate;

(h) *Take note* of the Authority's progress in implementing IPSAS;

(i) *Take note* of the implementation by the Authority of the revisions to the compensation package for staff in the Professional and higher categories in line with the recommendations of the International Civil Service Commission, as adopted by the United Nations General Assembly;

(j) *Take note* of the implementation, currently in progress, of the new format and structure of the budget for 2017-2018;

(k) *Take note* of the implementation of remote simultaneous interpretation for the meetings of the Legal and Technical Commission and the meetings of the Finance Committee in 2018.

## Annex

### **Terms and conditions for the use of the Voluntary Trust Fund of the Authority**

*The Finance Committee,*

*Bearing in mind* that the Legal and Technical Commission and the Finance Committee discharge essential functions that are prerequisites for the decision-making of the International Seabed Authority, drawing upon the personal qualifications and experience of their members,

*Mindful* of the need to enhance the participation of all members of the Commission and the Committee, without which the Authority would not be able to benefit from the necessary expertise in a balanced fashion,

*Recommends* as follows:

1. The Voluntary Trust Fund should be continued. The purpose of the Fund is to defray the costs of participation of members of the Legal and Technical Commission and the Committee from developing countries.

2. The Voluntary Trust Fund is funded by voluntary contributions from members of the Authority. The Fund is also open to contributions from others, including other States, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private individuals.

3. The terms and conditions for the use of the Fund will be as follows:

(a) A formal request by the Government which nominated the member must be made to the Secretary-General of the Authority no later than three months in advance of the opening of the meeting, indicating why the costs of participation cannot be met by the Government concerned;

(b) Priority should be given to members from least developed countries;

(c) Where relevant, consideration should be given to the continuity in attendance of the member at prior meetings;

(d) Airfare costs shall be for economy class travel. Where special needs justify an exception, this shall be reported to the Finance Committee;

(e) In considering all applications received, if the balance of the voluntary trust fund is insufficient to fund all requests, other appropriate measures may be undertaken by the Secretary-General;

(f) The Secretary-General should inform the Government concerned of the outcome of the request no later than two months in advance of the opening of the meeting.

4. The Secretary-General shall report to the Committee annually on the use and status of the fund. The Committee intends to continue to review the use and status of the fund in the light of the Secretary-General's report.



## Assembly

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### Twenty-third session

Kingston, 7-18 August 2017

Agenda item 11

### Consideration of proposed amendments to the staff regulations of the Authority

#### **Decision of the Assembly of the International Seabed Authority concerning the staff regulations of the Authority**

*The Assembly of the International Seabed Authority,*

*Taking into account the recommendation of the Council,<sup>1</sup>*

*Approves the revisions to the staff regulations of the Authority as contained in the annex to the present document.*

*168th meeting  
17 August 2017*

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<sup>1</sup> [ISBA/23/C/16](#).



## Annex

## Revisions to the staff regulations of the International Seabed Authority

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*Current staff regulations of the International Seabed Authority*

*Revisions to the staff regulations of the International Seabed Authority*

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### Regulation 3.4

The Secretary-General shall establish terms and conditions, under which dependency benefits, an education grant, an assignment grant, a mobility and hardship allowance, and language benefits shall be available to eligible staff members.

*The Secretary-General shall establish the terms and conditions under which dependency benefits, an education grant, a settling-in grant, a mobility and hardship allowance and language benefits shall be available to eligible staff members.*

### Regulation 3.5

Subject to satisfactory service, salary increments within the levels shall be awarded annually, except that any increments above step XI of the Associate Officer level, step XIII of the Second Officer level and step IV of the Principal Officer level shall be preceded by two years at the previous step.

*Subject to satisfactory service, salary increments within the levels shall be awarded annually, except that any increments above step VII of the Professional levels and step IV of the D-1 level shall be preceded by two years at the previous step. Subject to satisfactory service, salary increments at the D-2 level shall be awarded biennially.*

### Regulation 9.4

Staff members shall not be retained in service beyond the age of sixty-two years. The Secretary-General may, in the interest of the Authority, extend this age limit in exceptional cases.

*Staff members shall not be retained in service beyond the age of 62 years or, if appointed on or after 1 January 2016, beyond the age of 65 years. In exceptional cases, the Secretary-General may, in the interest of the Authority, extend this age limit.*

### Appendix II

In principle, the repatriation grant shall be payable to staff members whom the Authority is obligated to repatriate and who at the time of separation are residing, by virtue of their service with the Authority, outside their country of nationality. The repatriation grant shall not, however, be paid to a staff member who is summarily dismissed. Eligible staff members shall be entitled to repatriation grant only upon relocation outside the country of the duty station. Detailed conditions and definitions relating to eligibility and requisite evidence of relocation shall be determined by the Secretary-General.

*In principle, the repatriation grant shall be payable to staff members who have completed at least five years of qualifying service, whom the Authority is obligated to repatriate and who, at the time of separation, are residing, by virtue of their service with the Authority, outside their country of nationality. The repatriation grant shall not, however, be paid to a staff member who is summarily dismissed. Eligible staff members shall be entitled to a repatriation grant only upon relocation outside the country of the duty station. Detailed conditions and definitions relating to eligibility and requisite evidence of relocation shall be determined by the Secretary-General.*

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# Assembly

Distr.: General  
17 August 2017

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## Twenty-third session

Kingston, 7-18 August 2017

Agenda item 10

### Report and recommendations of the Finance Committee

#### **Decision of the Assembly of the International Seabed Authority relating to financial and budgetary matters**

*The Assembly of the International Seabed Authority,*

*Acting on the recommendations of the Council,*<sup>1</sup>

1. *Appoints* Ernst & Young as independent auditor for a four-year term for the period 2017-2020;
2. *Urges* the members of the International Seabed Authority to pay their assessed contributions to the budget on time and in full;
3. *Decides* that the assessment of the contribution from Azerbaijan shall be as specified in paragraph 28 of the report of the Finance Committee;<sup>2</sup>
4. *Notes with concern* the increasing amount of outstanding contributions, 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, including by implementing the recommendations set out in paragraph 34 of the report of the Finance Committee;<sup>2</sup>
5. *Also notes* with concern that the current status of the voluntary trust fund compromises its operation beyond 2018;
6. *Urges* members, observers and other possible donors to make voluntary contributions to the endowment fund and the voluntary trust fund of the Authority;
7. *Approves* the revised criteria for the management and use of the voluntary trust fund as set out in the annex to the present decision;
8. *Notes* that, in accordance with regulation 9.1 of the Authority's financial regulations, the secretariat shall reinvest the current balance of \$184,240 in the voluntary trust fund with Jamaica Money Market Brokers Ltd. in order to obtain a higher rate of interest;

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<sup>1</sup> ISBA/23/C/17.

<sup>2</sup> ISBA/23/A/8-ISBA/23/C/10.



9. *Takes note* of the Authority's progress in implementing the International Public Sector Accounting Standards;

10. *Also takes note* of the implementation by the Authority of the revisions to the compensation package for staff in the Professional and higher categories in line with the recommendations of the International Civil Service Commission as adopted by the United Nations General Assembly;<sup>3</sup>

11. *Further takes note* of the implementation, currently in progress, of the new format and structure of the budget for 2017-2018;

12. *Requests* the Secretary-General to implement remote simultaneous interpretation for the meetings of the Legal and Technical Commission and the meetings of the Finance Committee in 2018, subject to the matters raised in paragraph 12 of the report of the Finance Committee<sup>2</sup> being addressed.

*168th meeting  
17 August 2017*

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<sup>3</sup> See *Official Records of the General Assembly, Seventieth Session, Supplement No. 30 (A/70/30)* and General Assembly resolution [70/244](#).

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**Annex****Terms and conditions for the management and use of the voluntary trust fund of the Authority**

*The Assembly of the International Seabed Authority,*

*Bearing in mind* that the Legal and Technical Commission and the Finance Committee discharge essential functions that are prerequisites for the decision-making of the International Seabed Authority, drawing upon the personal qualifications and experience of their members,

*Mindful* of the need to enhance the participation of all members of the Commission and the Committee, without which the Authority would not be able to benefit from the necessary expertise in a balanced fashion,

*Decides* that:

(a) The voluntary trust fund should be continued. The purpose of the fund is to defray the costs of participation of members of the Legal and Technical Commission and the Finance Committee from developing countries;

(b) The voluntary trust fund is funded by voluntary contributions from members and observers of the Authority. The fund is also open to contributions from others, including other States, contractors with the Authority, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private individuals;

(c) The terms and conditions for the use of the fund will be as follows:

(i) A formal request by the Government that nominated the member must be made to the Secretary-General of the Authority no later than three months in advance of the opening of the meeting;

(ii) Priority should be given to members from least developed countries;

(iii) Where relevant, consideration should be given to the continuity in attendance of the member at prior meetings;

(iv) Airfare costs shall be for economy class travel. Where special needs justify an exception, this shall be reported to the Finance Committee;

(v) In considering all applications received, if the balance of the voluntary trust fund is insufficient to fund all requests, other appropriate measures may be undertaken by the Secretary-General to prioritize the disbursement of available funds;

(vi) The Secretary-General should inform the Government concerned of the outcome of the request no later than two months in advance of the opening of the meeting;

(d) The Secretary-General shall report to the Committee annually on the use and status of the fund. The Committee intends to continue to review the use and status of the fund in the light of the Secretary-General's report.





# Assembly

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## Twenty-third session

Kingston, 7-18 August 2017

Agenda item 9

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

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

*The Assembly of the International Seabed Authority,*

*Recalling* article 154, part XI, of the United Nations Convention on the Law of the Sea,<sup>1</sup>

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

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

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

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

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1833, No. 31363.

<sup>2</sup> ISBA/21/A/9/Rev.1.

<sup>3</sup> ISBA/22/A/11.

<sup>4</sup> ISBA/23/A/3.



**A**

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

**B**

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

**C**

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

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

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

**D**

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

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

3. *Requests* the Secretary-General to establish a voluntary trust fund for the purpose of defraying the cost of participation of members of the Council from developing States in its second annual meeting, and to report regularly to the Assembly on the status of the fund;

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

**E**

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

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

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

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

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

## F

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

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

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

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

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

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

## G

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

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

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

candidates, taking into account that the Council will further consider the joint proposal submitted by the African Group and GRULAC<sup>5</sup> on the matter of the election of the Legal and Technical Commission prior to the next election, and no later than at the twenty-fifth session of the Assembly;

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

## H

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

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

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

*170th meeting  
18 August 2017*

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<sup>5</sup> ISBA/23/C/CRP.1.



# Assembly

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**Twenty-third session**  
Kingston, 7-18 August 2017

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

1. The twenty-third session of the Assembly of the International Seabed Authority was held in Kingston from 7 to 18 August 2017.

### **I. Adoption of the agenda**

2. At its 162nd meeting, on 8 August 2017, the Assembly adopted the agenda of its twenty-third session ([ISBA/23/A/1](#)).

### **II. Election of the President and Vice-Presidents**

3. At the same meeting, the Assembly elected Mr. Eugénio João Muianga (Mozambique), the nominee of the African States Group, as President of the Assembly. The Assembly elected the following as Vice-Presidents: China (Asia-Pacific States Group); Russian Federation (Eastern European States Group); and Jamaica (Latin American and Caribbean States Group). At its 163rd meeting, on 15 August 2017, Australia (Western European and Other States Group) was nominated and duly elected for the remaining position of Vice-President.

4. In his opening statement, the President reflected on the prominence given in recent years to the sustainable use of the oceans. He recognized the importance of the role to be played by the Authority in this regard in cooperating with other intergovernmental organizations, civil society and other stakeholders. He acknowledged the initiatives already undertaken by the Authority, and its contribution to the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development and its preparatory process and for providing all necessary support (the Ocean Conference), held at United Nations Headquarters from 5 to 7 June 2017, and to the “biodiversity beyond national jurisdiction (‘BBNJ’) process”.

5. At its 165th meeting, on 16 August 2017, the President invoked rule 29 of the rules of procedure, and nominated Jamaica to preside over the remainder of the



meeting; Senator Kamina Johnson Smith, Minister for Foreign Affairs and Foreign Trade of Jamaica, presided.

### **III. Appointment of the Credentials Committee**

6. At its 163rd meeting, pursuant to rule 24 of the rules of procedure of the Assembly, and following nominations from the coordinators of the regional groups, the Credentials Committee, consisting of nine members, namely, Belgium, Ghana, Guyana, Lebanon, Myanmar, Norway, Panama, Poland and the Russian Federation, was appointed by the Assembly on the proposal of the President.

### **IV. Consideration of requests for observer status**

7. At its 162th meeting, the Assembly considered a number of applications for observer status. The following organizations were granted observer status to participate in the work of the Assembly: the Secretariat of the Pacific Regional Environment Programme, (ISBA/23/A/INF/1/Rev.1), an intergovernmental organization; the International Policy Laboratory of the Massachusetts Institute of Technology (ISBA/23/A/INF/3); the Center for Polar and Deep Ocean Development of Shanghai Jiao Tong University (ISBA/23/A/INF/4); the International Marine Minerals Society (ISBA/23/A/INF/5), a professional society; and the Institute for Advanced Sustainability Studies (ISBA/23/A/INF/6).

8. In respect of the application made by the non-governmental organization Earthworks (ISBA/23/A/INF/2), a number of delegates expressed concern over the lack of information provided in order to allow them to assess its merits. It was agreed to defer any decision on the granting of observer status to Earthworks until full information, in the standard format in an official document, is received by the Assembly for its consideration.

### **V. Election to fill vacancies on the Finance Committee**

9. Also at its 162th meeting, the Assembly elected Mr. Didier Ortolland, Assistant Director in the Legal Department of the Ministry of Foreign Affairs of France, to fill the vacant seat on the Committee left by Mr. Olivier Guyonvarch for the remainder of his term, ending on 31 December 2021 (ISBA/23/A/6). The Assembly also elected Mr. Yedla Umasankar, First Secretary (Legal Adviser), Permanent Mission of India to the United Nations, to fill the vacant seat on the Committee left by Mr. Koteswara M. Rao for the remainder of his term, ending on 31 December 2021 (ISBA/23/A/7).

10. Following the elections, Mr. Robert Ward, Secretary-General of the International Hydrographic Organization, presented a statement to the Assembly. In his statement the Secretary-General encouraged the Authority to ensure that geospatial and environmental information provided by contractors is made as widely available as possible, and to collaborate in putting in place appropriate data transfer protocols and data exchange standards as part of a contribution to the aims of Sustainable Development Goal 14 and the International Decade of Ocean Science for Sustainable Development 2021-2030 proposed by the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization.

## VI. Annual report of the Secretary-General

11. At its 163rd meeting, the Secretary-General introduced his annual report (ISBA/23/A/2) to the Assembly. He acknowledged the excellent working relationship with the host country, Jamaica, and initiatives to build on that relationship. He urged coastal States to deposit with him charts and geographical coordinates regarding the outer limits of their continental shelves, in conformity with article 84 of the Convention. He noted that, since the date of his report, and as at 31 July 2017, 81 per cent of the value of contributions to the 2017 budget due from member States and from the European Union had been received, while 77 per cent of the membership of the Authority had fully paid their 2017 assessed contribution amounts; contributions outstanding for prior periods (1998-2016) had been reduced marginally, to \$553,985.

12. The Secretary-General also highlighted a number of other initiatives, including the restructuring of the secretariat (ISBA/23/A/4), the workshops to advance the development of the regulatory regime and the sensitization seminar, held in Kampala in May 2017, regarding the sustainable development of Africa's "blue" economy and its participation in the deep seabed regime. The Secretary-General noted the increasing demand for sensitization seminars, and encouraged similar financial and in-kind support from member States and interested organizations. He also noted the increased efforts on the part of the Authority to collaborate with other institutions in the collection of scientific data; the progress in implementing the data management strategy; and the need to circulate available training opportunities more effectively. He highlighted the pressures on the Endowment Fund for Marine Scientific Research in the Area to fulfil its mandate, and the urgent need for increased funding. The Secretary-General also informed delegates of the Authority's contribution to the work and discussions of the United Nations Conference to Support the Implementation of Sustainable Development Goal 14 (the Ocean Conference), including a series of voluntary commitments by the Authority.

13. Speaking at the 165th meeting, the Minister for Foreign Affairs and Foreign Trade of Jamaica, Kamina Johnson Smith, welcomed the members of the Authority and thanked the delegates for their kind remarks concerning the Government and people of Jamaica on the occasion of the fifty-fifth anniversary of Jamaica's independence. She urged member States to fulfil their financial obligations to the Authority, and also encouraged them to contribute to the Endowment Fund and the voluntary trust fund, highlighting that adequate funding was essential to facilitate capacity-building and to ensure the representation of developing States in the work of the Authority. She noted the need for an open discussion on acceptable levels of environmental impacts from deep seabed mining, an examination of the precautionary approach, the use of market-based instruments to promote environmental objectives and the development of environmental management plans.

14. The Assembly heard interventions from representatives of the delegations of: Algeria (on behalf of the African States Group), Antigua and Barbuda, Bangladesh, Brazil (on behalf of the Latin American and Caribbean States Group), Cameroon, Canada (also speaking on behalf of Australia and New Zealand), China, Cook Islands, Ecuador, Fiji, France, Ghana, India, Kenya, Japan, Lebanon, Mexico, Morocco, Myanmar, Nauru, Nigeria, the Philippines, Singapore, South Africa, Togo, Tonga, Uganda and the United Kingdom of Great Britain and Northern Ireland. In addition, representatives of the following observers presented statements: the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations Secretariat; the International Cable Protection Committee; the Fish Reef Project; Greenpeace International; World Wildlife Fund International; the Deep Sea

Conservation Coalition; African Minerals Development Centre; and the Pew Charitable Trusts.

15. Many delegations welcomed the report of the Secretary-General, and commended him and his staff for making good progress in a number of areas.

16. In connection with financial and budgetary matters, a number of delegations urged States parties in arrears in their financial contributions to fulfil their obligations, given that the work of the Authority depends on predictable and stable financing. Some delegations emphasized cost-saving measures, including extending the use of remote interpretation for the meetings of organs other than the Legal and Technical Commission and the Finance Committee.

17. With regard to regulatory development, the progressive development of draft exploitation regulations was seen as a positive step towards fulfilling the Authority's mandate, including through the advancement of priority deliverables through the holding of expert workshops. It was highlighted that the development of exploitation regulations is complex, requiring full consideration by the international community, and an appropriate balance between the rights and obligations of the parties. Nevertheless, the urgent need to complete the exploitation regulations and related guidelines was also highlighted. A number of delegations emphasized the need for a transparent and consultative approach to regulatory development, particularly in connection with environmental considerations, and they generally welcomed the Authority's commitment to engage with a wide range of stakeholders. The development of a fit-for-purpose data management strategy, together with transparent data-sharing mechanisms, including data standardization, were seen as being of paramount importance. Delegations also underlined the need for the employment of the best available science, including the flexibility to factor in new scientific evidence, for the precautionary approach, for effective compliance and enforcement responses, as well as for the development of regional environmental plans.

18. Many delegations emphasized the role of capacity-building in supporting participation of developing countries in activities in the Area and in providing for environmental protections in areas beyond national jurisdiction.

19. Many delegates called for contributions to the Endowment Fund and the voluntary trust fund, highlighting the resource constraints faced by many developing States, including small island developing States, to their participation in the work of the Authority. Other stakeholders were also urged to make contributions to the voluntary trust fund. China noted its contribution to the voluntary trust fund. The United Kingdom also noted that it would be making a contribution to the voluntary trust fund. The secretariat was encouraged to make arrangements with universities and scientific institutions in developing countries so as to allow more scientists to benefit from the Endowment Fund. In addition to the need to strengthen the research capacities of developing countries, the importance of benefit-sharing, as a key component of the common heritage regime, together with the promotion of knowledge and technology transfers by the Authority, were emphasized. The value of the Authority's internship programme, was also acknowledged by a number of delegates, although, as highlighted by the Secretary-General, a lack of funding has affected the ability of the programme to distribute places as widely as possible. Additionally, many delegates supported the sensitization work undertaken by the Authority, and its importance in promoting wider participation in the affairs of the Authority.

20. A number of delegations and observers emphasized the importance of continued dialogue with relevant international organizations in order to harmonize the Authority's work towards common goals to benefit humankind as a whole. The



Authority's active participation in the United Nations Ocean Conference was commended in supporting the implementation of Sustainable Development Goal 14, as well as the Authority's active engagement in the biodiversity beyond national jurisdiction ("BBNJ") process. The Authority was encouraged to continue to align its work with that of other United Nations initiatives.

21. Some delegations emphasized the need for greater transparency and inclusiveness in the work of the Authority, and some observers called for open meetings of the Legal and Technical Commission, including effective participation in, and in the review of the outcomes of, workshops for the draft exploitation regulations.

22. The Secretary-General thanked delegates and observers for their contributions to the discussion on his report. He acknowledged the importance of participation in the affairs of the Authority, including sensitization seminars, and referred delegates to the voluntary commitment in partnership with other agencies, notably with the Department of Economic and Social Affairs of the United Nations Secretariat, on developing such programmes. He also highlighted the introduction of the Secretary-General Award for Deep Sea Research Excellence, to be presented annually to young researchers, under the age of 35, from developing countries in recognition of their contribution to the advancement of scientific knowledge of the deep sea environment and the development of sound regulatory frameworks. The Secretary-General thanked China and the United Kingdom for their contributions to the voluntary trust fund, and encouraged others to do likewise. He expressed his appreciation to those member States who are in the process of clearing arrears in their contributions.

## **VII. Consideration of the final report of the Review Committee established to oversee the implementation of the Convention under article 154**

23. At its 165th meeting, Ambassador Helmut Tuerk (Austria), as Chair of the Review Committee, presented the final report of the Review Committee established to carry out the Authority's first periodic review (ISBA/23/A/3). He noted that the Committee had hoped for a higher response rate to the initial questionnaire. He also noted that the Committee had decided not to pursue all recommendations submitted by the consultants, as some were quite far removed from the Authority's practices, and that, while others appeared premature at this stage of the Authority's evolution, they could be considered in the future. Additionally, a cautious and prudent approach with regard to formulating recommendations was taken, such that a consensus within the Assembly might be more easily achieved. For future reviews, he recommended that the review be conducted over a two-year period, thus ensuring the participation of regional group chairs, and that all efforts be made to achieve a higher response rate.

24. At the same meeting, the Secretary-General presented his comments on the final recommendations of the Review Committee (ISBA/23/A/5/Rev.1). He stressed that the Authority could not continue business as usual. He highlighted the need for a strategic plan and a revised schedule to tackle the problem of low participation in the meetings of the Assembly. He proposed a revised meeting schedule, to include two Council meetings per year, within existing budgetary provisions, and, following the suggestion made by the delegate of the Netherlands, the scheduling of the Council meeting before that of the Legal and Technical Commission during the spring session. He noted efforts to streamline the review of contractors' reports, and to add environmental policy expertise in the Secretariat, for consideration by the

Council and the Assembly in the next budgetary cycle. He noted that he did not provide a response to those recommendations that were addressed directly to the Legal and Technical Commission.

25. In connection with the final report of the Review Committee, representatives of the following delegations made statements: Algeria (on behalf of the African States Group), Australia, Belgium, Brazil, Chile, China, France, Germany, India, Jamaica, Japan, Mozambique, Myanmar, the Netherlands, New Zealand, Nigeria, Norway, the Republic of Korea, Singapore, South Africa, Thailand, Tonga, Uganda and the United Kingdom. Representatives of the following observers also made statements: the Pew Charitable Trust; the Center for Polar and Deep Ocean Development; Greenpeace International; the World Wildlife Fund International; the non-governmental agency, InterRidge; the Deep Sea Conservation Coalition, the International Union for Conservation of Nature and the African Minerals Development Centre.

26. Many delegations expressed support for the recommendations contained in the final report, and found that, compared to the interim report, the final recommendations were more appropriate to the immediate issues faced by the Authority. Note was made, however, that there are lessons to be learned from the review methodology and consultation process conducted. One delegation accepted the secretariat's implementation of recommendations aimed at improving its internal processes, but cautioned against implementing recommendations of a strategic nature without guidance from member States.

27. Delegates supported the need for further environmental expertise in the secretariat, while keeping other required skills under review. Calls were also made for greater openness in the work of the secretariat, the Legal and Technical Commission and the Authority as a whole, including the sharing of non-confidential information.

28. With regard to the revised meeting schedule presented by the Secretary-General, concern was expressed by some delegations about limited financial support for developing countries to attend additional meetings. Nevertheless, a proposal to set up a specific voluntary trust fund to cover the costs for more frequent meetings was generally supported. A number of delegations supported the proposal of the Netherlands to convene the Council before meetings of the Legal and Technical Commission. One delegation emphasized the need for more time for the Assembly to examine the reports of the Finance Committee. A suggestion was made by one delegation that a review of the working methods of the Legal and Technical Commission be undertaken in the light of its increasing workload. Some delegations raised concerns about the budgetary implications and cost effectiveness of the revised meeting schedule. Calls were also made for more workshops on environmental, payment and legal issues.

29. With regard to the Legal and Technical Commission, one delegation highlighted the need for further environmental expertise within the Commission. While some delegations favoured open meetings of the Commission, others noted the need to take the confidentiality of the Commission's deliberations into account, including its independence. In connection with the establishment of a working group within the Commission on environmental issues, some delegations supported the idea, although one delegation questioned the recommendation, noting that environmental issues should be addressed in a holistic and integrated way.

30. One delegation suggested creating an economics working group. One observer suggested a new working group to study demand, supply and pricing trends for minerals. One delegation suggested ad hoc, rather than permanent, working groups,

which could, possibly, meet prior to the Commission, without additional budgetary burdens.

31. Regarding data management, one delegation recommended continuously investing in high-quality data management and sharing, as well as reviewing the quality and consistency of data gathered, including for transparency purposes. Other delegations supported the recommendations on sharing environmental data, with one delegation suggesting further efforts to protect data integrity and continued consultations with contractors and other stakeholders to strike an appropriate balance between transparency and commercial sensitivity.

32. Many delegations supported the need for a strategic plan to provide strategic direction, and to assist the formulation of a work programme for the secretariat and to benefit the Authority as a whole. Other delegations and observers recommended a result-oriented strategic plan, complemented by a monitoring and evaluation mechanism for follow-up, budgetary planning and accountability purposes. One delegation also suggested that the Authority conduct an urgent, in-depth study of the policies, technologies, economics, environmental protection measures and development trends linked to the commercial exploitation of deep sea mineral resources.

33. Other observations made by delegates included: the need for transparency in developing the benefit-sharing regime, stressing special consideration for the needs of developing countries; implementation of the recommendations within the approved budget, with calls for additional funding requiring approval by the Assembly; the need for the inclusion of strict environmental requirements for contractors in the exploitation regulations, on the basis of advice from the Council, as well as a caution against selecting members of the Legal and Technical Commission with interests or links with contractors; and a suggestion that the exploitation regulations include a clear requirement on having a domestic legal framework in force before a country can become a sponsoring State.

34. At its 167th meeting, on 17 August 2017, the Secretary-General introduced an additional revised meeting schedule for 2018 and 2019, suggesting a Council meeting before that of the Legal and Technical Commission during the spring session, allowing the Council to give guidance to the Commission. President Muianga also introduced a draft decision, encapsulating all 19 recommendations from the Review Committee, and a proposal to establish a voluntary trust fund for the purpose of defraying the costs of participation of developing countries members of the Council in its second annual meeting. The Chair of the Review Committee guided the delegates through the structure and content of the draft decision.

35. A number of suggested revisions to the text of the draft decision were introduced and discussed by delegates, including consultations between regional groups. Following further discussions, the Assembly adopted a decision on the final report and recommendations of the Review Committee ([ISBA/23/A/13](#)) at its 170th meeting, on 18 August 2017.

36. One observer, the African Minerals Development Centre, pledged its support for a technical workshop to support the African States Group in connection with the development of a fair and equitable fiscal regime. Additionally, the Pew Charitable Trusts reiterated its commitment to lending financial and logistical support to the regulatory development process.

37. Also at the 170th meeting, Ambassador Tuerk congratulated the Assembly on reaching a historic decision, and a great step forward in the Authority's history. In a farewell address to the Assembly, and in farewell to his participation in law-of-the-sea affairs for over 45 years, he wished the Authority a highly successful evolution

in the years ahead. The Assembly and the Secretary-General expressed their gratitude and appreciation to Ambassador Tuerk.

## **VIII. Report of the Finance Committee**

38. At its 168th meeting, the Chair of the Finance Committee, Mr. Andrzej Przybycin (Poland), introduced the report of the Committee ([ISBA/23/A/8-ISBA/23/C/9](#)). The Chair stressed the need to provide guidance so as to prioritize the use of limited funds and confirmed, in connection with the revised meeting schedule, the Secretary-General's comment on budgetary cost-neutrality, while drawing attention to the financial consequences for delegations and the likelihood of increased funding requests for the voluntary trust fund. A decision on financial and budgetary matters, acting on the recommendations of the Council ([ISBA/23/A/12](#)), was adopted by the Assembly, including measures (contained in an annex) to promote the sustainability of the voluntary trust fund.

## **IX. Consideration of proposed amendments to the Staff Regulations**

39. The Assembly adopted a decision on revisions to the staff regulations of the Authority ([ISBA/23/A/11](#)), taking into account the Council's recommendations, reflecting changes in the new compensation package of the United Nations common system.

## **X. Report of the Credentials Committee**

40. The report of the Credentials Committee ([ISBA/23/A/9](#)) was presented to the Assembly by its Chair, Mr. Ye Minn Thein (Myanmar), at its 168th meeting, on 17 August 2017. The Assembly approved the report of the Committee ([ISBA/23/A/10](#)).

## **XI. Other matters**

41. At its 168th meeting, the African States Group proposed, and the Assembly endorsed, the election of Morocco to the Council for the remainder of a four-year term to expire on 31 December 2020, to fill a vacancy in the Council owing to a lack of candidates in 2016. The Assembly congratulated Morocco on its election.

42. At the same meeting, the African States Group proposed setting-up a museum at the site of the Authority, in the name of former Secretary-General, Nii Allotey Odunton (Ghana), to raise awareness on the Authority's work, and to recognize the achievements of Mr. Odunton. The proposal was welcomed by many delegations. A number of delegations raised the matter of budgetary implications, suggesting a working group be set up under the Finance Committee to consider the proposal.

## **XII. Date of the next session**

43. The dates for the twenty-fourth session of the Assembly will be announced in due course. It will be the turn of the Eastern European States Group to nominate a candidate for the presidency of the Assembly in 2018.

44. In his closing remarks, President Muianga expressed his sincere appreciation for the cooperative and timely manner in which the business of the Assembly and other organs had been conducted, and gave thanks to Jamaica for its continued support and hospitality. He noted that while the Authority had achieved much, there remained much to achieve in advancing deliberations towards the development of the common heritage for mankind as a whole.

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## COUNCIL

ISBA/23/C/2	Election of members of the Legal and Technical Commission
ISBA/23/C/5	Development of environmentally responsible mining technologies: towards an approval process for mining equipment
ISBA/23/C/6	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
ISBA/23/C/7	Status of contracts for exploration and related matters
ISBA/23/C/8	Implementation of the decision of the Council in 2016 relating to the summary report of the Chair of the Legal and Technical Commission
ISBA/23/C/9	Application for extension of the contract for exploration for polymetallic nodules between the Government of India and the International Seabed Authority
ISBA/23/C/11	Report and recommendations of the Legal and Technical Commission to the Council of the International Seabed Authority relating to an application for approval of a plan of work for exploration for polymetallic sulphides by the Government of Poland
ISBA/23/C/13	Report of the Chair of the Legal and Technical Commission on the work of the Commission at its session in 2017
ISBA/23/C/14	Decision of the Council of the International Seabed Authority relating to an application by the Government of Poland for approval of a plan of work for exploration for polymetallic sulphides
ISBA/23/C/15	Decision of the Council of the International Seabed Authority relating to an application by the Government of India for extension of a contract for exploration for polymetallic nodules between the Government of India and the Authority
ISBA/23/C/16/Rev.1	Decision of the Council of the International Seabed Authority concerning the staff regulations of the Authority
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<a href="#">ISBA/23/C/19/Rev.1</a>	Summary report of the President of the Council of the International Seabed Authority on the work of the Council during its twenty-third session
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## Council

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### Twenty-third session

Kingston, 31 July-4 August 2017

## Election of members of the Legal and Technical Commission

### Report of the Secretary-General

1. In decision [ISBA/22/C/29](#) relating to the election of the members of the Legal and Technical Commission for the period from 2017 to 2021, the Council of the International Seabed Authority requested that the Secretary-General provide a report in which he would identify the ideal size of the Commission and propose a mechanism to ensure that future elections would be undertaken in a manner that better took into account all the considerations set out in the second preambular paragraph of the decision,<sup>1</sup> including equitable geographical representation. The present report responds to that request.

2. In accordance with article 163 of the United Nations Convention on the Law of the Sea, the members of the Commission are elected by the Council from among the candidates nominated by the States parties for a term of five years. States parties shall nominate candidates of the highest standards of competence and integrity with qualifications in relevant fields so as to ensure the effective exercise of the functions of the Commission. Due account shall be taken of the need for equitable geographical distribution and the representation of special interests. In accordance with article 165, paragraph 1, of the Convention members of the Commission shall have appropriate qualifications, such as those relevant to exploration for, and exploitation and processing of, mineral resources, oceanology, protection of the marine environment, or economic or legal matters relating to ocean mining and related fields of expertise.

### Size of the Commission

3. Under article 163, paragraph 2, of the Convention, the Commission is to be composed of 15 members. Nevertheless, if necessary, the Council may decide to

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<sup>1</sup> The second preambular paragraph of [ISBA/22/C/29](#) reflects the language of article 163, paragraphs 3 and 4, of the Convention, and reads as follows:

*Recalling* article 163, paragraphs 3 and 4, of the United Nations Convention on the Law of the Sea, which provides that candidates nominated for the Commission shall have appropriate qualifications in the area of competence of the Commission and that in the election of members of the Commission, due account shall be taken of the need for equitable geographical distribution and the representation of special interests.





increase the size of the Commission, having due regard to economy and efficiency. The Council has made use of that provision by increasing the size of the Commission in all previous elections. It may be noted that each of the other two expert bodies of the Authority provided for in the Convention, the Finance Committee and the Economic Planning Commission, shall also have 15 members.<sup>2</sup>

4. The first election of the Legal and Technical Commission was held in August 1996. The Council took advantage of the flexibility provided in article 163, paragraph 2, of the Convention and decided, after protracted and difficult negotiations over the balance of regional representation on the Council, to increase the number of seats on the Commission to 22, without prejudice to future elections,<sup>3</sup> on the basis that 22 nominations had been submitted for the 15 seats available. The same procedure was repeated for the elections in 2001 and 2006. The Council decided to approve all the candidacies submitted, increasing the number of seats on the Commission from 15 to 24 in 2001 and to 25 in 2006. On each occasion, the decision was said to be taken without prejudice to future elections and claims of the regional groups and interest groups. Although the Council did not record its reasons for deciding to increase the size of the Commission on each occasion, it was apparent that the decision had been motivated less by the actual or perceived workload of the Commission than by the desire to avoid a vote and to accommodate late nominations. On no occasion did the Council attempt an assessment of the actual needs of the Commission in terms of the number of members.

5. In 2011, in electing the members of the Commission for the period from 2012 to 2016, the Council recalled its decision relating to the procedures for election and expressed regret that some nominations had been received after the closing date. Nevertheless, the Council noted that, owing to the flexibility shown by members of the Council and regional groups, the total number of candidates for election did not exceed 25, as had been agreed by the Council in its previous decisions. The Council therefore decided, without prejudice to future elections, and having due regard to economy and efficiency, to increase the number of members of the Commission to 25. However, owing to the resignation in 2014 of one member, with no subsequent nomination of a replacement candidate, the membership of the Commission continued at 24.

6. In 2016, the Council again decided, on an exceptional and temporary basis, without prejudice to future elections, and with due regard to economy and efficiency, to increase the number of members of the Commission to 30, which corresponds to the number of nominations received by the closing date for nominations.

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<sup>2</sup> In a report issued in 2007 ([ISBA/13/C/2](#)), it was noted that the intent of the provision in article 163 (2) that the Council might decide to increase the size of the Commission had been designed to ensure that any deficiencies in the expertise available to the Commission could be made up by including additional disciplines that had not been represented by the original 15 members elected to the Commission. It had not been meant to provide increases for political convenience. If the latter had been the case, the Convention would have established a higher number for the membership, such as 21, as had been done for the Tribunal and the Commission for the Continental Shelf.

<sup>3</sup> Subsequently, an additional member from the Group of Latin American and Caribbean States was elected, bringing the actual membership to 23.

### **Composition of the Commission**

7. Article 165, paragraph 1, of the Convention entrusts the Council with the obligation to ensure that the membership of the Commission reflects all appropriate qualifications, such as those relevant to exploration for, and exploitation and processing of, mineral resources, oceanology, protection of the marine environment, or economic or legal matters relating to ocean mining and related fields of expertise. There are no specific requirements in the Convention in relation to regional representation on the Commission. Instead, the Convention simply provides that due account shall be taken of the need for equitable geographical distribution and the representation of special interests.

8. In previous elections, the Council has taken some steps to ensure that the membership of the Commission reflects an appropriate balance of such qualifications and expertise. For example, at the second election, in 2001, the Council requested the Secretariat to provide it with an indication of the likely programme of work for the Commission, so that members of the Council might make informed judgments of the type of qualifications needed for members of the Commission.

9. At the twelfth session, in 2006, the outgoing members of the Commission were asked to share with the Council their experience on the expertise required by the Commission for its effective functioning. In response, the Commission stated that there was a need to preserve as wide a range of disciplinary expertise as possible. It specifically noted the need for specialists in certain key disciplines, including marine biology, mining engineering and mining economics. The Commission further acknowledged that it was unlikely to be able to provide every type of expertise needed to fulfil its wide remit of work. For that reason, the Commission recalled that, when necessary, expertise had been sought outside its members by the Secretariat to bring additional specialized knowledge and skills to its work.

10. In 2015, at the twenty-first session, the Commission reported to the Council that it had held a general discussion and exchange of views on its size and composition, in anticipation of the election of members for the period from 2017 to 2021 ([ISBA/21/C/16](#), para. 47). The Commission reported that it had generally been agreed that the current size of the Commission had allowed for a broad participation by members and that the general level of attendance had been satisfactory. It was noted that the future programme of work of the Commission would probably require more specific expertise relating to the economics of mining projects and marine technology to complement that of the Commission members. The Council took due note of the views expressed by the Commission, but did not make, at that time, any decision relating to the maximum size of the Commission.

11. The Secretariat has attempted to analyse the balance of expertise on the Commission by comparing the list of appropriate qualifications set out in article 165, paragraph 1, with the information provided by the members elected for the periods from 2012 to 2016 and from 2017 to 2021. The areas of expertise of the current members of the Commission are summarized in table 1.

Table 1  
**Areas of expertise of the members of the Legal and Technical Commission**

<i>Area of expertise</i>	<i>2012 to 2016</i>	<i>2017 to 2021</i>
Mineral resources (geology, geophysics, engineering)	10	14
Oceanology	5	1
Marine environment	2	4
Economy	1	1
Legal matters <sup>a</sup>	6	10

<sup>a</sup> “Legal matters” is a relatively broad category that covers many different aspects. On closer examination, it is apparent that most legally qualified members of the Commission have expertise in the law of the sea, diplomacy or international environmental law. Very few have expertise in mining law or commercial law.

12. The question of the balance of expertise on the Commission was considered in the context of the interim report presented by the consultants appointed for the purposes of the periodic review of the International Seabed Authority pursuant to article 154 of the Convention.<sup>4</sup> In their report, the consultants noted that a majority of the interviewed stakeholders considered the members of the Commission to be well qualified. However, respondents from all groups expressed concerns about the balance of expertise on the Commission. The result shows a potential lack of sufficient expertise in some areas, such as economics or subsea technical operations.

13. Article 163, paragraph 4, of the Convention provides that in the election of members of the Commission, due account shall be taken of the need for equitable geographic representation and the representation of special interests. “Special interests” in this sense refers to the interests reflected in the composition of the groups of States in the Council as set out in paragraphs 15 and 16 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.<sup>5</sup> There is no agreed quota for regional representation and, in this regard, the Commission is in the same position as the committees of independent experts elected by members of the United Nations under the core international human rights treaties.<sup>6,7</sup>

<sup>4</sup> ISBA/22/A/CRP.3 (1).

<sup>5</sup> Further information regarding the composition of these groups may be found in the informal indicative lists of countries fulfilling the criteria for membership in the groups of States listed in paragraph 15(a) to (c) of section 3 of the annex to the Agreement compiled every two years by the Secretariat. The most recent such documents are ISBA/22/A/CRP.1 and ISBA/22/A/CRP.2.

<sup>6</sup> International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights; Convention on the Elimination of All Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Rights of the Child; International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; Convention on the Rights of Persons with Disabilities; and the International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>7</sup> In all cases, due consideration is to be given to equitable geographical representation. Some of the later human rights treaties also require States to ensure balanced gender representation but, again, no quotas have been agreed.

14. Table 2 shows the historical distribution of seats on the Commission by regional groups.

Table 2  
**Membership of the Legal and Technical Commission by regional group**

<i>Term of office of the Commission</i>	<i>Africa</i>	<i>Asia-Pacific</i>	<i>Eastern Europe</i>	<i>Latin America and the Caribbean</i>	<i>Western Europe and Others</i>	<i>Total membership</i>
1997-2001	5	5	3	4	6	23
2002-2006	6	8	1	4	5	24
2007-2011	6	7	2	5	5	25
2012-2016	3	6	3	5	8	25
2017-2021	5	9	2	5	9	30

15. Table 3 shows the distribution of seats on the Commission by group of States represented on the Council.

Table 3  
**Membership of the Legal and Technical Commission by group of States<sup>8</sup>**

<i>Election year</i>	<i>Group<sup>a</sup></i>					<i>Non-members of the Council</i>	<i>Total membership</i>
	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>		
1997	3	4	0	1	7	7	22
2002	4	3	2	3	7	5	24
2007	4	4	1	4	9	3	25
2012	4	4	0	4	9	4	25
2016	3	4	2	4	11	6	30

<sup>a</sup> Groups A to E correspond to the States covered in paragraph 15(a) to (e), respectively, of section 3 of the annex to the Agreement.

### **Participation in the work of the Commission**

16. No official records of attendance of members of the Commission were kept before the seventh session of the Authority. After the adoption by the Council of the rules of procedure of the Commission in 2000, the Secretariat began to maintain a definitive record of attendance. The record shows that, during the period from 2002 to 2006, attendance at meetings of the Commission averaged 76 per cent. Attendance during the period from 2007 to 2011 averaged 71.8 per cent, while attendance during the period from 2011 to 2016 averaged 83 per cent. While those statistics are encouraging, it may be noted that they conceal the fact that a small

<sup>8</sup> Analysis is based on actual membership of the Council by the State nominating each member of the Commission as at the date of election. Actual membership may have changed during the term of office of the Commission due to rotation of seats on the Council. States listed under the column “non-members of the Council” would have been eligible for election to one or more of the special interest groups in the Council, but are listed here as non-members.

number of elected members have not attended any meetings at all, and that some have attended only one or two meetings. It may also be noted that, since 2013, owing to its increased workload, the Commission has been meeting twice a year. This has presented a considerable challenge to some members of the Commission, who are not always able to attend both meetings in a year, either for financial reasons, or because they have other work commitments.

17. Members of the Commission from developing countries may be eligible for financial assistance from the Voluntary Trust Fund.<sup>9</sup> The actual expenditure from the Voluntary Trust Fund attributable to members of the Commission in 2015 amounted to \$64,743. Out of the 30 members of the new Commission, 11 members from developing countries may be eligible for assistance from the voluntary trust fund. The annual cost of such assistance, based on full participation in two meetings per year, is estimated at \$169,723. This represents an increase of \$104,980 over the actual expenditure from the fund in 2015.

#### **Procedure for the nomination of candidates**

18. One difficulty experienced in previous elections was that nominations were sometimes submitted very late, making it difficult for members of the Council to fully evaluate them. For the second election of the Commission, in 2001, the Council decided to adopt an approach similar to that followed for the election of judges of the International Tribunal for the Law of the Sea.<sup>10</sup> It decided that, for future elections to the Commission, in order to allow members of the Council adequate time to review the candidacies, the nominations and the curricula vitae of candidates should be submitted to the Secretary-General of the Authority not later than two months prior to the opening of the session at which the election was to take place (ISBA/7/C/7, para. 6). A similar process was followed for the election in 2006. Unfortunately, in 2006, the Council's request notwithstanding, some nominations were received less than two months before the election. It was noted that, in the absence of a decision by the Council on a closing date for submissions and on the consequences of failing to submit a nomination in time, the Secretary-General had no discretion to reject the late nominations.

19. At the thirteenth session of the Authority, in 2007, the Council decided that the procedure for the nomination of candidates to the Commission would be as follows (ISBA/13/C/6):

(a) At least six months before the opening of the session of the Authority at which the election is to be held, the Secretary-General shall address a written invitation to all members of the Authority to submit their nominations of candidates for election to the Commission;

(b) Nominations for election to the Commission shall be accompanied by a statement of qualification or curriculum vitae setting out the candidate's qualifications and expertise in fields relevant to the work of the Commission and

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<sup>9</sup> The rules governing the management and operation of the voluntary trust fund were last updated in 2003 and, at its meetings during the twenty-second session, the Finance Committee noted that there might be a need to review and update the rules. The Secretariat was tasked with providing a report to the Committee on this matter in 2017.

<sup>10</sup> Statute of the International Tribunal for the Law of the Sea, art. 4, para. 2.

shall be received not less than three months prior to the opening of the relevant session of the Authority; nominations received less than three months prior to the opening of the relevant session of the Authority will not be accepted;

(c) The Secretary-General shall prepare a list, in alphabetical order, of the persons nominated for election to the Commission in accordance with paragraph (a) above, indicating the nominating member of the Authority and containing an annex with the statements of qualification or curricula vitae submitted in accordance with paragraph (b) above; the list shall be circulated to all members of the Authority not less than two months prior to the opening of the session at which the election is to be held.

20. This procedure was followed for the elections held in 2011 and in 2016. For the latter, at the request of the Council, the letter from the Secretary-General to member States inviting the nomination of candidates also referred to the relevant criteria for candidate selection, including the fact that candidates must be independent, have no conflict of interest, possess technical expertise and be fully committed to participating in all meetings of the Commission.

### **Process for elections**

21. The procedure for elections to the Commission is set out in rules 56 and 77 of the rules of procedure of the Council. As a general rule, decisions shall be made by consensus. If all efforts to reach a consensus have been exhausted, decisions by voting shall be taken by a two-thirds majority of members present and voting, provided that such decisions are not opposed by a majority in any one of the chambers of the Council referred to in rule 56, paragraph 5.<sup>11</sup> Those candidates, not exceeding the number of member places available, obtaining in the first ballot the required two-thirds majority of those present and voting will be declared to be elected. If the number of candidates obtaining such majority is less than the number of members to be elected, there shall be additional ballots to fill the remaining places. The voting will be restricted to the candidates obtaining the greatest number of votes in the previous ballots to a number no greater than twice the places remaining to be filled.

### **Conclusion**

22. As far as the process for nomination of candidates for election to the Commission is concerned, it is recommended that the current practice of setting a clear timetable for nominations be continued for future elections. For the elections in 2016, all candidacies, except for one, were received in advance of the closing date stipulated. The Council followed the procedure it had adopted in 2007 and the late candidacy was not accepted.

23. In terms of the size of the Commission, there is evidence from the reports issued by the Commission itself that the Commission has functioned effectively with a membership of 24. There is no evidence as yet as to how a Commission composed of 30 members will function, and it is therefore not possible to make any

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<sup>11</sup> For the purposes of voting, each group of States elected under paragraphs (a) to (c) of rule 84 of the rules of procedure of the Assembly shall be treated as a chamber. The developing States elected under paragraphs (d) and (e) of rule 84 shall be treated as a single chamber.

recommendation in this respect. Nevertheless, it may be noted that the financial implications of a larger Commission in relation to the Voluntary Trust Fund can be estimated at approximately \$100,000 per year. The possibility of assistance from the Voluntary Trust Fund is critical to ensuring effective participation in the work of the Commission, as demonstrated by an increase in the average attendance rate between 2007 and 2016 from 71 to 83 per cent.

24. There are imbalances in the composition of the Commission, both in terms of equitable geographical representation and balance of expertise. Despite efforts by the Commission and the Council to broaden the range of expertise, these imbalances have increased. While member States should be encouraged to nominate candidates from a broader range of disciplines, there is no immediately obvious basis for allocating seats on the Commission in a way that satisfies all required criteria. One possible way to improve the balance of expertise would be to provide details on the required areas of expertise or specialities in the letter from the Secretary-General to member States inviting the nomination of candidates.

25. One way to improve the process for future elections would be for the Council to make another decision as to the size of the Commission to be elected the year preceding the election. In the event that more nominations are received than places are available, the Council, adhering to its decision on the nomination of candidates (ISBA/13/C/6), would then proceed to elect the agreed number of members by voting in accordance with rules 56 and 77 of the rules of procedure of the Council. This is in fact the general practice in most of the independent expert bodies elected by the States Members of the United Nations.

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### Draft regulations for exploitation of mineral resources in the Area

## Development of environmentally responsible mining technologies: towards an approval process for mining equipment

Submitted by the delegation of the Netherlands

### I. Introduction

1. The exploitation of polymetallic nodules in the Area is approaching and a regulatory framework is under development. In July 2011, the Council of the International Seabed Authority requested the secretariat to prepare a strategic workplan for the formulation of regulations for the exploitation of deep-sea minerals in the Area.
2. Pursuant to the decision of the Council, the secretariat of the Authority prepared a strategic workplan for the formulation of such regulations (see ISBA/18/C/4). In 2013, the Legal and Technical Commission began its consideration of the issues relating to the proposed regulations for the exploitation of polymetallic nodules in the Area (ISBA/19/C/14).
3. At its twenty-second session in July 2016, the Council welcomed the Commission's work on the framework for the exploitation regulations, in particular the first working draft of the regulations, and requested the Commission to continue that work as a matter of priority (ISBA/22/C/28).

### II. Reason for submitting

4. Current available technologies for the mining of minerals are expected to exert different pressures on the ecosystem that may lead to various types of environmental impacts on the marine ecosystem. Future technological developments are needed to reduce such impacts. One question that arises in this context concerns how mining activities and the use of equipment to conduct exploitation will be assessed in relation to their impact on the marine environment. Such assessment is

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\* ISBA/23/C/L.1.





necessary to minimize harm to the marine environment with the goal of protecting and preserving the marine environment.

5. Adaptive management as part of best environmental practices means that uncertainties are expected to be reduced over time through a “learning by doing” process. The use of an adaptive management approach could facilitate the application of future technological developments.

### **III. Objective**

6. The application of an assessment methodology for equipment, operational procedures and processes used in deep sea mining exploitation activities is considered supportive of the adaptive management approach. A proposal for the development of such an assessment methodology and a subsequent approval process is outlined in the annex hereto.

### **IV. Recommendations**

7. The Council is invited to take into account the above-mentioned points when considering the proposal outlined in the annex.

8. The Council is also invited to request the Commission to consider:

(a) The development of an assessment methodology for equipment, operational procedures and processes used in deep sea mining exploitation activities;

(b) The development of an approval process to ensure that equipment, operational procedures and processes used for exploitation activities meet requirements that are yet to be established for avoiding or minimizing adverse environmental impacts.

## Annex

### **Development of an assessment methodology and subsequent approval process for environmentally responsible mining technology**

#### **I. Introduction: legal context**

1. The legal framework with respect to the development of environmentally responsible mining technologies currently includes the following:

(a) The United Nations Convention on the Law of the Sea, which includes the following provisions:

(i) The obligation for States parties to take necessary measures with respect to activities in the Area to ensure effective protection for the marine environment from harmful effects that may arise from such activities, to which end the Authority shall adopt appropriate rules, regulations and procedures (art. 145);

(ii) That measures taken by States to prevent, reduce and control pollution of the marine environment shall deal with all sources of pollution of the marine environment (art. 194 (3));

(iii) The objective criteria that should be reflected in the rules, regulations and procedures to be adopted by the Authority with respect to the protection of the marine environment (annex III, article 17 (2) (f));

(b) The Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, in particular section 1, paragraph 5 of the annex thereto, which sets out several focus areas related to the protection and preservation of the marine environment that the Authority needs to concentrate on before approving the first plan of work for exploitation;

(c) The Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, as amended (ISBA/19/C/17, annex), which provide, inter alia:

(i) That the Authority and sponsoring States shall apply a precautionary approach as well as best environmental practices to ensure the effective protection of the marine environment (Part V, regulation 31, para. 2);

(ii) That the contractor is required to carry out impact assessments and environmental monitoring, in order to determine the effect of exploration activities on the marine environment, and is also required to submit data and information to the Authority, upon expiration of the contract, regarding equipment used to carry out exploration work, including the results of tests conducted on proposed mining technologies (see annex IV, sects. 5 and 11);

(d) The recommendations for the guidance of contractors for the assessment of the possible impacts arising from exploration for marine minerals in the Area, issued by the Legal and Technical Commission (ISBA/19/LTC/8).

2. The above-mentioned Regulations on Prospecting and Exploration also contain various provisions that refer to the technical capability and the technical qualifications of the applicant and/or contractor, as well as to the role of the Authority in assessing that capability (see ISBA/19/C/17, annex IV, section 11). In addition, during the exploration phase, the contractor has the obligation to complete

the necessary preparatory work before being able to proceed to the exploitation stage (see ISBA/21/C/19).

## II. Environmental concerns

3. Polymetallic nodules are likely to be the first mineral sources to be exploited from the Area. The nodules typically occur on the abyssal plains of ocean areas, with slow recovery. Although deposit fluxes of organic matter from the productive zone to the sea floor are very low, the layer of sediment at the abyssal plains can be thousands of metres deep. The top layer is porous, therefore very loose, and easily disturbed. Since food levels are limited, the biomass of the sediment-inhabiting fauna is low. However, biodiversity is usually high, with some species probably widely distributed and others restricted to single locations only.<sup>1</sup>

4. The main environmental impacts at and in the surroundings of mining operations concern the disturbance of substrate, the operational plume and resedimentation, and the discharge plume and its effects on pelagic and/or benthic fauna depending on the depth of discharge.<sup>2</sup>

5. Concerns in relation to the social and environmental impacts resulting from the exploitation of deep-sea minerals may hamper further development of the sector. Care should therefore be taken to avoid environmental impacts or reduce them to an acceptable level.

6. There are, as of yet, no internationally approved and applied standards available for exploitation activities or for the environmental impact assessments carried out in relation to those activities.

7. Equipment and processes envisaged to be applied to the exploitation of polymetallic nodules include a mining tool operating on the sea floor and a vertical transport system to transport the material collected to the sea surface.<sup>3</sup> Once the collected material reaches the surface, the ore is separated aboard a mining platform or vessel for transport to shore and the remaining water and tailings are returned to the sea floor.

8. During prospecting and exploration for marine minerals, environmental assessments are performed and reported on annually to the Secretary-General of the Authority. In addition to such environmental assessments, all other relevant information submitted by contractors could be used as a starting point for developing and defining best practices for assessing the environmental impacts of exploitation activities.

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<sup>1</sup> Craig Smith, "Habitats and biodiversity in manganese nodule regions," in *Deep sea minerals*, vol. 1B, *Manganese nodules, a physical, biological, environmental, and technical review*, Elaine Baker and Yannick Beaudoin, eds. (Pacific Community, 2013).

<sup>2</sup> See Ecorys and others, "Study to investigate state of knowledge of deep sea mining: final report, annex 6, environmental analysis (FWC MARE/2012/06-SC E1/2013/04)", report prepared for the Directorate-General for Maritime Affairs and Fisheries of the European Union (Rotterdam, Netherlands, 28 August 2014). Available from <https://webgate.ec.europa.eu/maritimeforum/sites/maritimeforum/files/Annex%206%20Environmental%20analysis.pdf>.

<sup>3</sup> See [www.bluemining.eu/inside](http://www.bluemining.eu/inside).

9. A sample summary of some pressures arising from currently available excavation equipment is provided in table 1.<sup>4</sup> The pressures indicated therein can be useful for the development of environmental assessments.<sup>5</sup>

Table 1.

**Inventory of possible environmental pressures resulting from the excavation process**

<i>Type of environmental pressure</i>	<i>Excavation action</i>		
	<i>Moving the tool</i>	<i>Collecting nodules</i>	<i>Suction material</i>
Smothering		✓	
Substrate loss		✓	
Changes in siltation (sediment concentration)		✓	✓
Abrasion	✓		
Underwater noise	✓	✓	✓
Thermal regime change		✓	✓
Selective extraction of species			✓
Barrier to species movement	✓	✓	
Changes in pH		✓	✓
Light	✓		
Vibration	✓	✓	

### III. Governance through adaptive management

10. Adaptive management as part of best environmental practices means that uncertainties are intended to be reduced over time through a “learning by doing” process.

11. State-of-the-art exploitation practices for polymetallic nodules may not prevent harm to the marine environment. Technical innovations will be required to reduce potential impacts. In order to promote environmentally sound and sustainable development by minimizing the environmental impact in vulnerable ecosystems, environmental aspects should be taken into account at a very early stage, in particular during the development of technology for deep-sea mining operations and during the preparation of such operations.

<sup>4</sup> Institute for Marine Resources and Ecosystem Studies, and others, “Towards zero impact of deep sea offshore projects: an assessment framework for future environmental studies of deep sea and offshore mining”, final report prepared for a project co-funded by the Maritime Innovation Programme of the Netherlands Ministry of Economic Affairs, Agriculture and Innovation and coordinated by Cees van Rhee of Delft University of Technology, submitted 4 April 2014. Available from [www.epa.govt.nz/eez/EEZ000006/EEZ000006\\_05\\_03\\_Towards\\_Zero\\_Impact\\_of\\_Deep\\_Sea\\_Offshore\\_Projects\\_Final\\_Report.pdf](http://www.epa.govt.nz/eez/EEZ000006/EEZ000006_05_03_Towards_Zero_Impact_of_Deep_Sea_Offshore_Projects_Final_Report.pdf).

<sup>5</sup> See, for example, Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive).

12. A process that takes environmental considerations into account during the design phase, alongside technical, economic and regulatory considerations, may generate new sustainable technologies that would make costly mitigation measures redundant.

13. Optimal methods and design cannot be defined without operational experience, namely, learning by doing. The adaptive management approach should provide enough time and resources to allow for the rational development of environmental readiness levels, operational and technical standards and an assessment method and associated procedures.

14. Adaptive management can be put into practice through the monitoring and assessment of exploitation activities in the Area. Both the Authority and the contractor should be able to fulfil such monitoring and assessment through the annual reporting requirements. When new information on technological development becomes available, a review and modification of the plan of work can be agreed upon between the Secretary-General and the contractor. In the short term, this may entail applying mitigation measures to address adverse environmental impacts resulting from exploitation activities. In the long term, this may entail the use of new innovative technologies to further reduce the impacts on the marine environment from exploitation activities.

#### IV. Technology and environmental readiness levels

15. Technologies being developed for the extraction of deposits depend on the type of deposit, the geomorphological setting, the physical conditions and the scale of the operation.

16. Technology readiness levels, various definitions of which exist for different fields of application, can be used to characterize the maturity of technologies. The method is used to estimate the maturity of critical technology elements of a programme during the acquisition process. The readiness level of a given technology is assessed by means of a technology readiness assessment, in which its maturity is given a score ranging from 1 to 9, where 9 indicates that it is fully operational. Table 2 provides an example of such a system.<sup>6</sup>

Table 2  
**Sample definition of technology readiness levels**

<i>Technology readiness level</i>	<i>Definition</i>
1	Basic principles observed
2	Technology concept formulated
3	Experimental proof of concept
4	Technology validated in laboratory
5	Technology validated in relevant environment
6	Technology demonstrated in relevant environment

<sup>6</sup> See the general annexes to the European Commission *Horizon 2020 work programme for 2016-2017*. Available from [http://ec.europa.eu/research/participants/portal/desktop/en/funding/reference\\_docs.html#h2020-work-programmes-2016-17](http://ec.europa.eu/research/participants/portal/desktop/en/funding/reference_docs.html#h2020-work-programmes-2016-17).

<i>Technology readiness level</i>	<i>Definition</i>
7	System prototype demonstrated in operational environment
8	System completed and qualified
9	Actual system proven in operational environment

17. The maturity of evolved technologies, such as devices, materials, components, software and work processes, can thus be rated according to their readiness level.

18. Alongside technology readiness levels, a system for defining environmental readiness levels could be developed to assess how well a piece of equipment, an operational procedure or a process meets the requirements for avoiding or minimizing adverse environmental impacts. Such an assessment system could make use of the criteria or principles supported by the Authority.

19. The application of an adaptive management approach could help to incorporate and implement such criteria or principles as best practical means, best practicable environmental option and best available technology.<sup>7</sup>

20. Adaptive management can also help to incorporate and implement the elements of the template developed at the Authority's workshop on environmental management needs for the exploration and exploitation of deep-sea minerals. The template represents a generalized framework for an environmental impact statement.<sup>8</sup> The goal of such a process would be to assist in the development and, as appropriate, the improvement of environmental readiness levels.

## V. Approval process

21. The purpose of an approval process is to ensure that the equipment, operational procedures and processes used for exploitation activities meet relevant requirements for avoiding or minimizing adverse environmental impacts. Such requirements should also provide for the application of technology and environmental readiness levels as described above.

22. One method used internationally to regulate technical requirements for products and equipment involves the use of a private system of standardization and conformity assessment. Combining public regulation with the use of such a private system has various benefits. It offers a way for governments to take advantage of the knowledge available in the private sector, while protecting public interests at the same time. Using the private system in this way makes it possible to ensure that private parties take due responsibility for their activities.

23. Standardization refers to the development of private standards with the involvement of all parties concerned. The International Organization for Standardization and the International Electrotechnical Commission are standardization bodies whose international standards represent a consensus of participating entities on a solution to a particular issue. They provide requirements, specifications, guidelines or characteristics that can be used consistently to ensure that materials, products, processes and services are safe to use and fit for their purpose. The process for developing a standard is based on the core principles of

<sup>7</sup> Best practical means may also be referred to as BPM, best practicable environmental option as BPEO and best available technology as BAT.

<sup>8</sup> International Seabed Authority technical study No. 10.

openness, transparency, effectiveness, relevance, stakeholder engagement and consensus. The inclusion of those principles ensures that such standards can also be used to support public policy.

24. Conformity assessment refers to the process of assessing whether a certain product and/or operation meets the requirements set out in a standard. If an independent third party performs this assessment, it is called third-party conformity assessment. Such third parties are organized as conformity assessment bodies, which are usually private companies that perform assessments at the request of a paying client. In the case of exploitation activities, the client could be any of the following: an applicant applying for a plan of work, a producer, an operator and/or a mining company. The most relevant forms of conformity assessments in relation to products and equipment are inspection and certification.

25. Inspections are performed on a single product or piece of equipment and its operational procedures or on a batch of a certain product or type of equipment and result in an inspection report.

26. Certification goes beyond that and results in a declaration stating that it is justifiable that future products should also meet the requirements of the conformity assessment. The declaration, issued in the form of a certificate, is valid for a certain period of time and, during that period, the certification body performs regular surveillance audits.

27. Conformity assessment bodies may request accreditation for a certain activity, such as the certification and inspection of certain products.

28. Accreditation means that the conformity assessment body has been assessed by an accreditation body. If the conformity assessment body meets the requirements of certain standards of the International Organization for Standardization, it can be granted accreditation, which means that it is considered independent and competent for that specific activity. Accreditation raises the level of confidence in the declaration, such as a certificate, issued by a conformity assessment body. At the international level, there are two organizations that provide accreditation: the International Accreditation Forum, for the accreditation of conformity assessment bodies that perform certifications, and the International Laboratory Accreditation Cooperation, for those that perform inspections.

## **VI. Use of the system for evaluating types of mining equipment and their operational procedures**

29. The system of standardization and conformity assessment could be used to evaluate types of mining equipment and their operational procedures to ensure that environmental aspects are adequately taken into account. Such a system could be part of the approval process for mining activities. One of the requirements for a plan of work could be that only mining equipment having obtained a declaration of conformity from an accredited conformity assessment body could be used. Such a body would assess and confirm if operation of the equipment would meet the maximum impact parameters according to guidelines and rules developed through both laboratory and field experience. Such a system would have to provide for a clear allocation of private and public functions and responsibilities. More specifically, it would need to provide for the following:

- (a) With respect to legal requirements and standards:
  - (i) The Authority would need to adopt rules, regulations and procedures setting out the general requirements that mining equipment and operational

procedures would need to meet before they could be used in exploitation activities;

(ii) The private sector would then be responsible for developing technical standards that would meet the more general requirements established by those rules, regulations and procedures;

(iii) The process of developing standards could be done by an international standardization body, such as the International Organization for Standardization, based on the core principles mentioned above (see para. 23), to ensure that different interests are taken into account when developing the standards;

(iv) The Authority should check whether any existing standards could already meet the general requirements or could form a basis for the development of new standards;

(v) Before approving the standards for adoption and thus for use as standards of reference, the Authority should check whether they meet the general requirements for mining equipment and their operational procedures;

(b) With respect to conformity assessments:

(i) A declaration of conformity from a conformity assessment body should be part of the procedure by which the Authority and, in particular, the Legal and Technical Commission, would consider applications for the approval of plans of work for exploitation;

(ii) It would be the responsibility of the contractor to hire and pay a conformity assessment body to perform a conformity assessment;

(iii) Only competent and impartial conformity assessment bodies, designated by the Authority, should perform the conformity assessment;

(iv) To ensure that conformity assessment bodies are (and will remain) competent and impartial, the Authority should base a designation on valid accreditation from an accreditation body;

(v) Only accreditations from members of the International Accreditation Forum and/or the International Laboratory Accreditation Cooperation should be used, since those bodies follow the international standard established by the International Organization for Standardization and therefore meet the internationally recognized requirements for accreditation;

(c) With respect to oversight and enforcement:

(i) When a conformity assessment body is found to be no longer competent, the Authority should have the power to withdraw, suspend or restrict its designation;

(ii) The Authority should have sufficient resources to check whether the contractor meets the requirements of the plan of work;

(iii) The granting of a declaration of conformity to a contractor for mining equipment and its operational procedure would mean that the equipment is presumed to comply with the requirements set out in a standard.





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### Twenty-third session

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Item 8 of the provisional agenda\*

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

## **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 the 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 submitted 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 the texts of relevant national laws, regulations and administrative measures to the secretariat (see [ISBA/18/C/21](#)).
3. At the nineteenth, twentieth, twenty-first and twenty-second sessions of the Authority, in 2013, 2014, 2015 and 2016, respectively, the Secretary-General submitted to the Council updated reports on the matter ([ISBA/19/C/12](#), [ISBA/20/C/11](#) and Add.1, [ISBA/21/C/7](#) and [ISBA/22/C/8](#)). In addition, the secretariat established an online database of the information on, and the texts of, national laws, regulations and administrative measures that sponsoring States and other members of the Authority had submitted.

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\* [ISBA/23/C/L.1](#).



4. In early 2017, the secretariat circulated a note verbale further inviting sponsoring States and other members of the Authority to submit to the secretariat the texts of relevant national laws, regulations and administrative measures or related information. France, Kiribati and Nauru submitted the texts of their national legislation on 21 February, 19 April and 18 May 2017, respectively, and Georgia submitted its relevant information to the secretariat on 3 May 2017.

5. As at 31 May 2017, the following States had provided information on, or the texts of, relevant national legislation: Belgium, China, the Cook Islands, Cuba, Czechia, the Dominican Republic, Fiji, France, Georgia, Germany, Guyana, India, Japan, Kiribati, Mexico, Nauru, the Netherlands, New Zealand, Nigeria, Niue, Oman, the Republic of Korea, Singapore, Tonga, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zambia. Submissions had also been received from the Pacific Community. A list of national legislation and related information is annexed to the present report. Further information on, and the texts of, national laws, regulations and administrative measures submitted by the above-mentioned members of the Authority are available from the Authority's website ([www.isa.org.jm/national-legislation-database](http://www.isa.org.jm/national-legislation-database)). The secretariat will continue to update the online database as new information is received.

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

## Annex

### Legislation and information submitted by States and regional organizations

#### I. General

United Nations Convention on the Law of the Sea, concluded at Montego Bay on 10 December 1982. Entered into force on 16 November 1994. United Nations *Treaty Series*, vol. 1833, No. 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. Entered into force on 28 July 1994. General Assembly resolution [48/263](#); 33 *International Legal Materials* 1309 (1994); United Nations *Treaty Series*, vol. 1836, No. 31364, p. 42.

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

#### II. National legislation of member States

##### Belgium

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, adopted on 30 July 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, adopted on 17 August 2013.

##### China

Mineral Resources Law of the People's Republic of China. Adopted at the fifteenth 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 twenty-first 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 twenty-fourth 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

thirteenth meeting of the Standing Committee of the Ninth National People's Congress on 25 December 1999 and further revised at the sixth 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 from 1 November 2006.

Law of the People's Republic of China on Exploration for and Exploitation of Resources in the Deep Seabed Area, adopted on 26 February 2016 and effective as from 1 May 2016.

### **Cook Islands**

Seabed Minerals Act, 2009.

Model Seabed Minerals Agreement of April 2011.

### **Cuba**

Mining Law, in force since 23 January 1995.

Decree No. 222 of 19 September 1997.

### **Czechia**

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

### **Dominican Republic**

Note No. 001348 dated 4 May 2016 from the Ministry of the Environment and Natural Resources.

Note No. EDR-MN/16-16 dated 21 July 2016 from the Embassy of the Dominican Republic in Jamaica.

### **Fiji**

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

### **France**

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

Note verbale dated 21 February 2017 from the Embassy of France in Jamaica.

Ordinance No. 2016-1687 of 8 December 2016 relating to the maritime areas under the sovereignty or jurisdiction of the Republic of France.

### **Georgia**

Note verbale dated 3 May 2017 from the Permanent Mission of Georgia to the United Nations.

### **Germany**

Seabed Mining Act of 6 June 1995. Amended by article 74 of the Act of 8 December 2010.

**Guyana**

Maritime Zones Act, 2010 (Act No. 18 of 2010). In force as from 18 September 2010.

**India**

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

**Japan**

Law on Interim Measures for Deep Seabed Mining, 1982.

Mining Act. Adopted on 20 December 1950 and amended on 22 July 2011.

**Kiribati**

Seabed Minerals Bill, 2016.

**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, 28 January 1988. Amended on 4 June 2012.

Regulations of the General Law on Ecological Balance and the Protection of the Environment on Environmental Impact Assessment, 30 May 2000. Amended on 26 April 2012.

Mining Law, 26 June 1992. Amended on 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**

International Seabed Minerals Act, 2015.

**Netherlands**

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

**New Zealand**

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

Continental Shelf Act, 1964.

**Nigeria**

Nigerian Minerals and Mining Act, 2007.

Nigerian Minerals and Mining Regulations, 2011.

**Niue**

Maritime Zones Act, 2013.

**Oman**

Oil and Gas Law, promulgated by Royal Decree No. 8/2011.

Mining Law, promulgated by Royal Decree No. 27/2003.

Ministerial Decree No. 77/2011 regulating mineral exploration (regulations of the Mining Law).

**Republic of Korea**

Note verbale dated 2 April 2013 from the Permanent Mission of the Republic of Korea transmitting a report on the status of legislation related to deep seabed activity by the Government of the Republic of Korea.

**Singapore**

Deep Seabed Mining Act, 2015.

**Tonga**

Tonga Seabed Minerals Act, 2014.

Note verbale dated 22 August 2016 from the Permanent Mission of Tonga to the United Nations.

**United Kingdom of Great Britain and Northern Ireland**

Deep Sea Mining (Temporary Provisions) Act, 1981, as amended by the Deep Sea Mining Act, 2014, which entered into force on 14 July 2014.

**Zambia**

Environmental Protection and Pollution Control Act, 1990 (No. 12 of 1990), as amended by the Environmental Protection and Pollution Control (Amendment) Act, 1999 (No. 12 of 1999) (Cap. 204 of the Law of Zambia).

**III. National legislation of observer States**

**United States of America**

Deep Seabed Hard Mineral Resources Act, 1980. Adopted on 28 June 1980 and amended on 1 July 2000.

Deep Seabed Mining Regulations Affecting Pre-enactment Explorers, 20 November 1980.

Deep Seabed Mining Regulations for Exploration Licenses, 1980 (15 September 1981).

Deep Seabed Mining Regulations for Commercial Recovery Permits, 6 January 1989.

Guidelines for Obtaining Minerals other than Oil, Gas and Sulphur on the Outer Continental Shelf, report by the United States Department of the Interior, Minerals Management Service, December 1999 (Public Law 103-426, enacted on 31 October 1994).

#### **IV. Information provided by regional organizations**

##### **Pacific Community**

Pacific-ACP States Regional Legislative and Regulatory Framework for Deep Sea Minerals Exploration and Exploitation, Secretariat of the Pacific Community, Suva, 2012.

Pacific-ACP States Regional Environmental Management Framework for Deep Sea Minerals Exploration and Exploitation, Pacific Community, Suva, 2016.

Pacific-ACP States Regional Financial Framework for Deep Sea Minerals Exploration and Exploitation, Pacific Community, Suva, 2016.

Pacific-ACP States Regional Scientific Research Guidelines for Deep Sea Minerals, Pacific Community, Suva, 2016.

#### **V. Legislation of reciprocating States**

France. Law on the Exploration and Exploitation of Mineral Resources in the Deep Seabed 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 Seabed 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, chapter 53. Effective as from 28 July 1981.

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

United Kingdom. Deep Sea Mining (Exploration Licences) Regulations, 1984, No. 1230. Effective as from 3 September 1984.

United States. Deep Seabed Hard Mineral Resources Act, 1980. Public Law 96-283, 28 June 1980, as amended on 1 July 2000.



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### Status of contracts for exploration and related matters

## Status of contracts for exploration and related matters

### Report of the Secretary-General

1. The present report provides information on the status of contracts for exploration in the Area since the twenty-second session of the Council of the International Seabed Authority, in July 2016. Contracts currently pertain to each of the three mineral resources for which the Authority has adopted regulations on prospecting and exploration. These are polymetallic nodules, polymetallic sulphides and cobalt-rich ferromanganese crusts. In addition, the report contains information on the status of implementation of the decision of the Assembly of the Authority of 25 July 2013 (ISBA/19/A/12) concerning overhead charges for the administration and supervision of exploration contracts. The information provided herein covers the period until 31 May 2017.

### I. Status of contracts for exploration

2. As at 31 May 2017, a total of 27 contracts for exploration had entered into force (17 for polymetallic nodules, 6 for polymetallic sulphides and 4 for cobalt-rich ferromanganese crusts). A complete list of the contracts, with details of the contractor, the sponsoring State, if applicable, the general location of the exploration area and the dates of entry into force and expiry of each contract, is provided in annex I.

3. Since the twenty-second session of the Council, three new contracts have been signed. A contract for exploration for polymetallic nodules was signed with the Cook Islands Investment Corporation on 15 July 2016, a contract for exploration for polymetallic sulphides was signed with the Government of India on 26 September 2016 and a contract for exploration for polymetallic nodules was signed with the China Minmetals Corporation on 12 May 2017.

4. One more contract for exploration is to be signed before the end of 2017 with the Government of the Republic of Korea for exploration for cobalt-rich ferromanganese crusts, relating to the plan of work approved by the Council at its twenty-second session.

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\* ISBA/23/C/L.1.





5. An application for exploration for polymetallic sulphides was received by the Secretary-General in January 2017 from the Government of Poland. The application is to be considered by the Legal and Technical Commission during its meetings in July and August 2017.

6. In respect of the six applications for a five-year extension of the exploration contracts approved by the Council during its twenty-second session, extension agreements have been signed with four contractors: Interoceanmetal Joint Organization, the Government of the Republic of Korea, China Ocean Mineral Resources Research and Development Association and Deep Ocean Resources Development Co. Ltd. Two other agreements are expected to be signed by the end of the present session, with Yuzhmorgeologiya and the Institut français de recherche pour l'exploitation de la mer.

7. An application for a five-year extension of an exploration contract for polymetallic nodules submitted in September 2016 by the Government of India will be considered by the Commission at the present session.

## **II. Status of consultations regarding the implementation of decision [ISBA/19/A/12](#)**

8. By its decision of 25 July 2013, the Assembly established an annual overhead charge of \$47,000 to cover the costs incurred by the Authority in administering and supervising contracts. The charge is due to be paid by each contractor by 31 March each year. The decision is to be implemented through the addition of two new clauses (sects. 10.5 and 10.6) to the standard clauses for contracts for exploration. The decision of the Assembly also specifies the date of its entry into force (25 July 2013) and contains special provisions regarding its effect in respect of existing contracts and pending and approved applications submitted before 25 July 2013.

### **A. Applications submitted after 25 July 2013**

9. The decision of the Assembly had immediate effect from the date of its adoption (25 July 2013), meaning that standard clauses 10.5 and 10.6 apply automatically to any contract entered into as a result of an application for approval of a plan of work for exploration submitted after that date. A total of six applications have been submitted since 25 July 2013. Five of them have been approved by the Councils and one, submitted in January 2017, is currently before the Commission. Four contracts have already been signed with Cook Islands Investment Corporation (polymetallic nodules), Federal Institute for Geosciences and Natural Resources (polymetallic sulphides), Companhia de Pesquisa de Recursos Minerais S.A. (cobalt-rich ferromanganese crusts) and China Minmetals Corporation (polymetallic nodules), while a fifth contract, pertaining to an approved application, is to be signed in 2017, as indicated in paragraph 4 above.

### **B. Existing contracts**

10. With regard to contracts for exploration that had already entered into force as at 25 July 2013, the Assembly requested the Secretary-General to consult each contractor with a view to revising the contracts, in accordance with section 24.2 of the standard clauses, in order to incorporate clauses 10.5 and 10.6. A total of 14 contracts existed as at 25 July 2013. The status of those consultations is reflected in annex II. It should be noted that, in the case of the six contracts that have been

approved for extension, standard clauses 10.5 and 10.6 are applicable to the period of extension.

### **C. Applications submitted before 25 July 2013**

11. In the case of the nine applications for approval of plans of work submitted before 25 July 2013, the Secretary-General, as requested by the Assembly, consulted each applicant before signing a contract for exploration, and standard clauses 10.5 and 10.6 were consequently incorporated into all nine contracts signed thereafter.

### **III. Recommendation**

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

## Annex I

## Status of contracts for exploration

## A. Contracts for exploration for polymetallic nodules

	<i>Contractor</i>	<i>Date of entry into force</i>	<i>Sponsoring State</i>	<i>General location of the exploration area</i>	<i>Date of expiry</i>
1	Interoceanmetal Joint Organization	29 March 2001 29 March 2016 <sup>a</sup>	Bulgaria, Cuba, Czechia, Poland, Russian Federation and Slovakia	Clarion- Clipperton Fracture Zone	28 March 2016 28 March 2021
2	Yuzhmorgeologiya	29 March 2001 29 March 2016 <sup>a</sup>	Russian Federation	Clarion- Clipperton Fracture Zone	28 March 2016 28 March 2021
3	Government of the Republic of Korea	27 April 2001 27 April 2016 <sup>a</sup>	–	Clarion- Clipperton Fracture Zone	26 April 2016 26 April 2021
4	China Ocean Mineral Resources Research and Development Association	22 May 2001 22 May 2016 <sup>a</sup>	China	Clarion- Clipperton Fracture Zone	21 May 2016 21 May 2021
5	Deep Ocean Resources Development Co. Ltd.	20 June 2001 20 June 2016 <sup>a</sup>	Japan	Clarion- Clipperton Fracture Zone	19 June 2016 19 June 2021
6	Institut français de recherche pour l'exploitation de la mer	20 June 2001 20 June 2016 <sup>a</sup>	France	Clarion- Clipperton Fracture Zone	19 June 2016 19 June 2021
7	Government of India	25 March 2002	–	Central Indian Ocean Basin	24 March 2017
8	Federal Institute for Geosciences and Natural Resources	19 July 2006	Germany	Clarion- Clipperton Fracture Zone	18 July 2021
9	Nauru Ocean Resources Inc.	22 July 2011	Nauru	Clarion- Clipperton Fracture Zone (reserved area)	21 July 2026
10	Tonga Offshore Mining Limited	11 January 2012	Tonga	Clarion- Clipperton Fracture Zone (reserved area)	10 January 2027
11	Global Sea Mineral Resources NV	14 January 2013	Belgium	Clarion- Clipperton Fracture Zone	13 January 2028

<sup>a</sup> Five-year extension of contract granted at the twenty-second session (2016).

<i>Contractor</i>	<i>Date of entry into force</i>	<i>Sponsoring State</i>	<i>General location of the exploration area</i>	<i>Date of expiry</i>
12 UK Seabed Resources Ltd.	8 February 2013	United Kingdom of Great Britain and Northern Ireland	Clarion-Clipperton Fracture Zone	7 February 2028
13 Marawa Research and Exploration Ltd.	19 January 2015	Kiribati	Clarion-Clipperton Fracture Zone (reserved area)	18 January 2030
14 Ocean Mineral Singapore Pte Ltd.	Signed in Kingston on 15 January 2015 and in Singapore on 22 January 2015	Singapore	Clarion-Clipperton Fracture Zone (reserved area)	21 January 2030
15 UK Seabed Resources Ltd.	29 March 2016	United Kingdom	Clarion-Clipperton Fracture Zone	28 March 2031
16 Cook Islands Investment Corporation	15 July 2016	Cook Islands	Clarion-Clipperton Fracture Zone (reserved area)	14 July 2031
17 China Minmetals Corporation	12 May 2017	China	Clarion-Clipperton Fracture Zone (reserved area)	11 May 2032

## B. Contracts for exploration for polymetallic sulphides

<i>Contractor</i>	<i>Date of entry into force</i>	<i>Sponsoring State</i>	<i>General location of the exploration area</i>	<i>Date of expiry</i>
1 China Ocean Mineral Resources Research and Development Association	18 November 2011	China	South-West Indian Ridge	17 November 2026
2 Government of the Russian Federation	29 October 2012	–	Mid-Atlantic Ridge	28 October 2027
3 Government of the Republic of Korea	24 June 2014	–	Central Indian Ocean	23 June 2029
4 Institut français de recherche pour l'exploitation de la mer	18 November 2014	France	Mid-Atlantic Ridge	17 November 2029
5 Federal Institute for Geosciences and Natural Resources	6 May 2015	Germany	Central Indian Ridge and South-East Indian Ridge	5 May 2030
6 Government of India	26 September 2016		Indian Ocean Ridge	25 September 2031

### C. Contracts for exploration for cobalt-rich ferromanganese crusts

	<i>Contractor</i>	<i>Date of entry into force</i>	<i>Sponsoring State</i>	<i>General location of the exploration area</i>	<i>Date of expiry</i>
1	Japan Oil, Gas and Metals National Corporation	27 January 2014	Japan	Western Pacific Ocean	26 January 2029
2	China Ocean Mineral Resources Research and Development Association	29 April 2014	China	Western Pacific Ocean	28 April 2029
3	Ministry of Natural Resources and Environment of the Russian Federation	10 March 2015	–	Magellan Mountains in the Pacific Ocean	9 March 2030
4	Companhia de Pesquisa de Recursos Minerais S.A.	9 November 2015	Brazil	Rio Grande Rise in the South Atlantic Ocean	8 November 2030
5	Government of the Republic of Korea	To be signed		East of the Northern Mariana Islands in the Pacific Ocean	

## Annex II

### Status of consultations with regard to the revision of contracts for exploration already existing as at 25 July 2013 with a view to incorporating standard clauses 10.5 and 10.6

<i>Contractor</i>	<i>Exploration for</i>	<i>Date of entry into force</i>	<i>Status</i>
Interoceanmetal Joint Organization	Polymetallic nodules	29 March 2001	Accepted on 28 April 2015 Incorporated into the extended contract effective on 29 March 2016
Yuzhmorgeologiya	Polymetallic nodules	29 March 2001	Accepted on 17 July 2015 Incorporated into the extended contract effective on 29 March 2016
Government of the Republic of Korea	Polymetallic nodules	27 April 2001	Accepted on 17 June 2014 Incorporated into the extended contract effective on 27 April 2016
China Ocean Mineral Resources Research and Development Association	Polymetallic nodules	22 May 2001	Accepted on 1 July 2015 Incorporated into the extended contract effective on 22 May 2016
Deep Ocean Resources Development Ltd.	Polymetallic nodules	20 June 2001	Accepted on 9 January 2014 Incorporated into the extended contract effective on 20 June 2016
Institut français de recherche pour l'exploitation de la mer	Polymetallic nodules	20 June 2001	Incorporated into the extended contract effective on 20 June 2016
Government of India	Polymetallic nodules	25 March 2002	Fee paid for 2015, 2016 and 2017 without written acceptance
Federal Institute for Geosciences and Natural Resources	Polymetallic nodules	19 July 2006	Accepted on 21 March 2014
Nauru Ocean Resources Inc.	Polymetallic nodules	22 July 2011	Accepted on 9 July 2015
Tonga Offshore Mining Limited	Polymetallic nodules	11 January 2012	Accepted on 18 February 2014
Global Sea Mineral Resources NV	Polymetallic nodules	14 January 2013	Accepted on 19 December 2013
UK Seabed Resources Ltd.	Polymetallic nodules	8 February 2013	Fee paid for 2014, 2015, 2016 and 2017 without written acceptance
China Ocean Mineral Resources Research and Development Association	Polymetallic sulphides	18 November 2011	Accepted on 1 July 2015
Government of the Russian Federation	Polymetallic sulphides	29 October 2012	Accepted on 23 July 2015



## Council

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### Twenty-third session

Kingston, 7-18 August 2017

Item 9 of the provisional agenda\*

### Implementation of the decision of the Council in 2016 relating to the summary report of the Chair of the Legal and Technical Commission

## Implementation of the decision of the Council in 2016 relating to the summary report of the Chair of the Legal and Technical Commission

### Report of the Secretary-General

#### I. Background

1. At its 220th meeting, on 19 July 2016, the Council of the International Seabed Authority adopted a decision relating to the summary report of the Chair of the Legal and Technical Commission on its work during the twenty-second session (ISBA/22/C/28). According to paragraph 15 of the decision, the Secretary-General was requested to update the Council at its present session on the implementation of the decision. The Council also requested that the update be incorporated into the Council's agenda as a standing item.

2. In accordance with the Council's request, the "Report of the Secretary-General on the implementation of the decision of the Council in 2016 relating to the summary report of the Chair of the Legal and Technical Commission" has been added as item 9 of the provisional agenda of the Council for 2017 (ISBA/23/C/L.1). The present document provides an update on the implementation of the decision of the Council.

#### II. Working draft exploitation regulations and priority deliverables for the development of the exploitation code

3. In paragraphs 2 and 3 of its decision, the Council welcomed the work of the Commission in relation to the framework for the exploitation regulations, in particular the provision of the first working draft of those regulations, and requested the Commission to continue its work the regulations as a matter of priority. The Council also endorsed the Commission's list of priority deliverables for the

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\* ISBA/23/C/L.1.



development of the exploitation code over the following 12 to 18 months, as set out in annex II to document [ISBA/22/C/17](#).

4. Immediately following the twenty-second session, the Commission issued a revised working draft of the exploitation regulations (including the standard clauses of the exploitation contract), along with a list of specific questions addressed to stakeholders. This revised working draft was made available to the members of the Authority and all stakeholders for comment, with a closing date of 25 November 2016.

5. The secretariat received a total of 43 submissions from the following stakeholder categories: member States of the Authority (6); non-member States (1); governments — other (2); international organizations (1); International Seabed Authority contractors (10); environmental non-governmental organizations (9); industry and other (2); academics (2) and private individuals (10). The secretariat consolidated all submissions for the Commission's consideration.

6. During its first meeting in 2017, the Commission began a detailed consideration of the revised working draft in the light of the comments provided by the stakeholders, as well as the responses to the specific questions identified by the Commission. The Commission had the opportunity to review, discuss and comment on each regulatory provision. It also highlighted and discussed a number of recurring themes in the stakeholder comments, including a need for clear timelines for both applicants and the Authority; consideration of the role of sponsoring States; the requirement for clear guidelines to implement regulatory provisions and the overall structure of the regulations.

7. In January 2017, the secretariat issued a discussion paper on the development and drafting of regulations on exploitation of mineral resources in the area (environmental matters). The document was introduced to the Commission for initial comments and review. The Commission noted that the international workshop on environmental management of deep seabed mining to be held in Berlin in March 2017 would provide a further opportunity for stakeholders to comment on the content of the discussion paper. The Commission also noted that a workshop in connection with the development of the payment regime was to be held in Singapore in April 2017 and it highlighted the importance of those workshops in contributing background information to the Commission's list of priority deliverables endorsed by the Council.

8. The Commission, taking account of the stakeholders' comments, reflected on the challenge of having separate, yet harmonized and integrated, regulations and the benefit of having uniform exploitation regulations (incorporating environmental and inspectorial provisions). Consequently, the Commission requested the secretariat to take note of its comments and other relevant expert input, including from the Berlin workshop, and to prepare a consolidated version of the draft regulations for consideration by the Commission at its second meeting in July/August 2017.

9. As highlighted above, and to advance the Commission's list of priority deliverables for the development of the exploitation code, two further workshops were held in 2017 relating to priority deliverables No. 4 (environmental assessment and management) and No. 2 (financial modelling for proposed financial terms and payment mechanism).

10. From 20 to 24 March 2017, in Berlin, the secretariat of the Authority organized an international workshop entitled "Towards an ISA Environmental Management Strategy for the Area" together with the German Federal Environmental Protection Agency and the Federal Institute for Geosciences and Natural Resources of Germany. The workshop provided a multi-stakeholder forum



in which experts in science, law and environmental management, among others, exchanged views and provided feedback from a multidisciplinary perspective on various issues in connection with the development of the environmental provisions of the mining code, based on the discussion paper on environmental matters and tentative regulatory provisions. Among the items discussed were environmental standards, environmental impact assessment procedures and criteria, the operationalization of “serious harm” (priority deliverable No. 6), adaptive management approach (priority deliverable No. 5) and regional environmental management, as well as a discussion on elements of a long-term environmental strategy for the Authority. The workshop was attended by some members of the Commission in their personal capacity.

11. The secretariat, as well as some members of the Commission attending in their personal capacity, participated in an external workshop connected with the development of a payment mechanism, held in Singapore in April 2017. The key focus of the workshop was the introduction to participating stakeholders of a working financial model to and a subsequent discussion of the components of the model and its underlying assumptions. A financial model is an important deliverable because it will allow the Commission to explore royalty-rate scenarios and payment mechanism options for the various phases of exploitation, and to discuss those scenarios with contractors and other stakeholders. To assist the Commission with further developing the workshop product into a viable working model and to incorporate suggested options, the Secretary-General intends to request contractors to provide their forecasted financial data to the secretariat to allow a range of such data to be modelled. The Singapore workshop also considered possible incentive mechanisms, including funds and bonds, to support the delivery of environmental objectives. Such mechanisms will require further investigation, including other market-based financial tools, and a related issue of the liability regime of the Area. A summary report of the workshop is available on the Authority’s website.

12. As to other priority deliverables, an update on the data management strategy and plan (priority deliverable No. 3) is presented in paragraph 25 below.

13. The Commission will continue its consideration of the draft exploitation regulations at its second meeting in 2017. It is expected that the Commission will also discuss a possible road map and timeline for regulatory development and make an appropriate recommendation to the Council, together with specific areas for action to better inform the regulatory development process and content of the regulatory provisions.

### **III. Contractor training programmes**

14. In paragraph 4 of its decision, the Council expressed its appreciation to the contractors for their valuable commitment to bringing about a substantial increase in the number of training programmes over the following five years, noting that the number might reach as high as 200, and took note with satisfaction of the fact that, to manage the substantial workload relating to the training programmes, a position in the secretariat focused on training had been included in the next proposed budget of the Authority.

15. In relation to this matter, the Secretary-General is in a position to report that the dedicated training officer provided for in the budget for the financial period 2017-2018 has been recruited and started on 1 July 2017. It is noted that 23 new training opportunities have arisen so far in 2017, including 16 at-sea training opportunities offered by the Institut français de recherche pour l’exploitation de la mer (Ifremer) (1), the Republic of Korea (2), the Japan Oil, Gas and Metals National

Corporation (4), the Russian Federation (5) and the Federal Institute for Geosciences and Natural Resources of Germany (4); five fellowship training opportunities offered by the China Ocean Mineral Resources Research and Development Association (3) and by Ifremer (2); and two workshops offered by Global Sea Mineral Resources NV.

#### **IV. Secretary-General's procedures to ensure the appropriate classification and secure handling of confidential data and information**

16. In paragraph 7 of its decision, the Council noted the Commission's recommendation on the need to ensure the consistent application of the existing procedures relating to confidentiality formulated by the Secretary-General, and decided that the additional procedures for the handling of confidential data and information contained in annex II to the Secretary-General's Bulletin [ISBA/ST/SGB/2011/03](#) would apply, *mutatis mutandis*, to the Commission.

17. In relation to this matter, all new members of the Commission have been advised of the provisions of the Convention and the rules of procedure of the Commission relating to confidentiality and have been briefed on the procedures set out in annex II to the Secretary-General's Bulletin.

#### **V. Review of the implementation of the environmental management plan for the Clarion-Clipperton Zone and other environmental management plans**

18. In paragraphs 8 and 9 of its decision, the Council expressed its appreciation for the report of the Chair of the Commission regarding the review of the implementation of the environmental management plan for the Clarion-Clipperton Zone and noted that a workshop to review the implementation of the plan that was to have been convened before the twenty-second session, in 2016, had not taken place. The Council requested that that workshop be convened in 2017, before the present session.

19. At its first meeting in 2017, the Commission set up a working group to consider the request of the Council regarding an implementation workshop. The working group was of the opinion that the current environmental management plan for the Clarion-Clipperton Zone contained two types of area-based planning measures, namely areas of particular environmental interest outside contract areas and impact and preservation reference zones within each contract area. The working group considered the possibility to convene two separate workshops, one relating to areas of particular environmental interest and one relating to the design and implementation criteria for reference zones. These technical workshops would then provide the necessary input for a subsequent workshop to review the overall implementation of the environmental management plan for the Clarion-Clipperton Zone. In the interest of cost and efficiency, however, the working group was of the opinion that, unless there was an immediate urgency in confirming new areas of particular environmental interest, it would be more practical to incorporate a discussion on additional areas into the broader workshop on the implementation of the plan. In addition, given that more environmental data and information should be available by the end of 2017, following the submission of the annual reports by contractors and the populating of the Authority's database, the Commission thought it beneficial to defer until the first half of 2018 a three-day workshop dedicated to a

review of the status of implementation of the environmental management plan for the Clarion-Clipperton Zone and areas of particular environmental interest.

20. In paragraph 10 of its decision, the Council requested the Secretary-General to consider holding a workshop on impact reference zones and preservation reference zones, and encouraged the secretariat to work closely with the Commission to determine a suitable timing for that workshop and to ensure the broadest participation by all concerned States Parties.

21. In relation to this matter and based on the advice of the working group of the Commission, the secretariat will convene a technical workshop in 2017 on criteria for the selection of impact reference zones and preservation reference zones. Further information relating to this technical workshop will be made available in due course.

22. In paragraph 11 of its decision, the Council encouraged 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 were currently exploration contracts, recalling paragraph 60 of United Nations General Assembly resolution [70/235](#).

23. The Secretary-General has taken note of the views expressed by the Council in this regard and proposes to give consideration to how best to initiate action in this respect, taking into account budgetary constraints. The Commission has also held a general discussion on the approach to the development of environmental management plans and the need for environmental data from contractors and open sources to be made available for that purpose. The Commission and the Secretary-General have also taken note of external initiatives to develop a scientific basis for an environmental management plan in the Atlantic Ocean, and they intend to hold discussions with relevant stakeholders on how the outcomes of such initiatives may help to advance the work of the Authority. The Secretary-General also held preliminary discussions with the China Ocean Mineral Resources Research and Development Association regarding its interest in pursuing a cooperative effort with other contractors to develop an environmental management plan for the cobalt-rich ferromanganese crust zones in the Pacific Ocean. This initiative is welcomed and further discussions will be held in due course.

## **VI. Environmental data readily and publicly available**

24. In paragraph 12 of its decision, the Council requested all contractors to make their environmental data readily and publicly available.

25. In this regard, the implementation of the data management strategy is in progress. It is recalled that funding was approved in the budget of the Authority for the financial period 2017-2018 to develop a new and improved database and to implement the data management strategy. The funding included the approval of two new posts within the secretariat: a database manager and a geographic information system officer. Recruitment to both positions was completed in April 2017.

26. In August 2016, the secretariat started to migrate all historical data provided by contractors into a digital format (reporting templates) and geo-referenced data (ArcGIS shapefile formats). To date, tabular migrated data have reached 1.7 million data points from areas under approved plans of work. This process will be followed by the implementation of the data management strategy and plan with the assistance of an external consultant. The secretariat is undertaking information technology design, acquisition and deployment. This task involves building the hardware for the virtual environment (storage, switches and servers) and factors in time for the

information technology architect contractor. Periodic progress reports are delivered to the Commission. The database structure and concept were presented to contractors at an informal meeting convened by the Secretary-General on 21 and 22 June 2017, in Kingston. During the meeting, technical discussions were held with individual contractors concerning gaps in data coverage, problems with data format and compatibility, and other technical problems. It is expected that the full implementation of the data management strategy will be finalized by the end of October 2018.

## **VII. Option of offering an equity interest in the regulations on prospecting and exploration for polymetallic nodules**

27. In paragraph 13 of its decision, the Council requested the Commission to review the provisions of the regulations on prospecting and exploration relating to the option of offering an equity interest in a joint venture arrangement, with a view to aligning all regulations in that respect, and to make a recommendation thereon for consideration by the Council at its following session.

28. This matter was placed on the agenda of the Commission for 2017 and will be considered by the Commission accordingly.

## **VIII. Supporting the work of the Legal and Technical Commission**

29. In paragraph 14 of its decision, the Council requested 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.

30. The Council is referred to the report of the review committee ([ISBA/23/A/3](#)), presented pursuant to article 154 of the United Nations Convention on the Law of the Sea, and the comments made by the Secretary-General thereon ([ISBA/23/A/5](#)). In this regard, the Council is invited to note that priority has been given to meetings of the Commission.

31. Finally, the Council is invited to take note of the present report and to provide such further direction as may be deemed necessary, including as to the format and content of future reports.

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## Council

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### Twenty-third session

Kingston, 7-18 August 2017

Item 11 of the provisional agenda\*

**Consideration, with a view to approval, of an application for extension of a contract for exploration**

## **Application for extension of the contract for exploration for polymetallic nodules between the Government of India and the International Seabed Authority**

### **Report and recommendation of the Legal and Technical Commission**

*The Legal and Technical Commission,*

*Recalling* that, on 25 March 2002, the Government of India entered into a 15-year contract for exploration for polymetallic nodules with the International Seabed Authority,

*Noting* that, on 22 September 2016, the Secretary-General of the International Seabed Authority received an application for a five-year extension of that contract from the Government of India, 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,<sup>1</sup>

*Noting also* that, on 12 October 2016, the Secretary-General notified the members of the Authority and the members of the Legal and Technical Commission of the receipt of the application and placed consideration of the application on the agenda of the Commission for the twenty-third session of the Authority,

*Recalling* the provisions of section 1, paragraph 9, of the annex to the Agreement,

*Recalling also* the 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,<sup>2</sup>

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\* ISBA/23/C/L.1.

<sup>1</sup> United Nations, *Treaty Series*, vol. 1836, No. 31364.

<sup>2</sup> ISBA/21/C/19.



*Recalling further* that the Commission is required to consider applications expeditiously,

*Recalling* that 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 preparatory work necessary for proceeding to the exploitation stage, or if the prevailing economic circumstances do not justify proceeding to the exploitation stage,

*Having considered* the application by the Government of India during its meetings held from 20 February to 3 March and from 31 July to 9 August 2017, in accordance with the procedures and criteria for the extension of an approved plan of work for exploration,

*Having requested* the applicant to provide further data and information to supplement its application, and noting with appreciation that such data and information, including historical data, were duly supplied to the satisfaction of the Commission,

*Having considered* the grounds advanced by the applicant for requesting an extension of its contract and the information provided to establish that, for reasons beyond its control, it was unable to complete the preparatory work to proceed to the exploitation stage and that the prevailing economic circumstances do not justify proceeding to the exploitation stage,

*Having concluded* that the applicant has made efforts in good faith to comply with the requirements of the contract for exploration but, for reasons beyond its control, has been unable to complete the preparatory work to proceed to exploitation,

1. *Recommends* that the Council of the International Seabed Authority approve the application for extension of the contract for exploration for polymetallic nodules between the Government of India and the Authority for a period of five years from 25 March 2017;

2. *Requests* the Secretary-General of the International Seabed Authority to take the steps necessary to ensure that the proposed programme of activities for the extension period contained in the application is adjusted to take into account the issues raised in the questions asked by the Legal and Technical Commission, the responses given by the applicant and the issues raised during the deliberations of the Commission before the programme of activities is attached as annex I to the agreement to be drawn up between the Authority and the Government of India concerning the extension of the contract for exploration for polymetallic nodules, in accordance with appendix II to the decision of the Council.<sup>2</sup>



## Council

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**Twenty-third session**  
Kingston, 7-18 August 2017

### **Report and recommendations of the Legal and Technical Commission to the Council of the International Seabed Authority relating to an application for approval of a plan of work for exploration for polymetallic sulphides by the Government of Poland**

#### **I. Introduction**

1. On 25 January 2017, the Secretary-General of the International Seabed Authority received an application for approval of a plan of work for exploration for polymetallic sulphides in the Area, submitted, pursuant to the regulations on prospecting and exploration for polymetallic sulphides in the Area ([ISBA/16/A/12/Rev.1](#), annex), by the Government of Poland.

2. On 26 January 2017, in accordance with regulation 22 (c) of the regulations, 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. On the same date, the Secretary-General also notified members of the Legal and Technical Commission of the receipt of the application and placed consideration of the application on the agenda of the meeting of the Commission scheduled for 31 July to 9 August 2017.

#### **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 United Nations Convention on the Law of the Sea, 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; whether the applicant had provided the necessary undertaking and assurances specified in regulation 15 of the regulations; and whether it had the financial and technical



capability necessary 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 23, paragraph 4, and its procedures, whether the proposed plan of work would provide for effective protection of human health and safety, effective protection and preservation of the marine environment, and 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. Regulation 23, paragraph 5, provides that, if the Commission makes the determinations specified in paragraph 3 and determines that the proposed plan of work for exploration meets the requirements of 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 sulphides, 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 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 31 July and 1, 3 and 4 August 2017.

6. Prior to commencing a detailed examination of the application, the Commission invited a delegation to make a presentation of the application, on 31 July 2017. The delegation was headed by Andrzej Przybycin and included Teresa Radziejewska, Michał Dajek and Agata Kozłowska-Roman. Members of the Commission then posed questions to obtain clarification on certain aspects of the application. The Commission organized three working groups to evaluate the applications, namely a legal and financial group, a geological and technological group, and an environmental and training group. Following its initial consideration on 31 July and 1 and 3 August 2017, the Commission requested the presence of the delegation to respond to additional questions raised by the working groups, on 4 August 2017. The delegation also submitted a written response to those questions. Subsequently, the Commission continued its consideration of the application pursuant to the regulations.

## **III. Summary of basic information regarding the application**

### **A. Identification of the applicant**

7. Name of the applicant: Ministry of the Environment of Poland

8. Address of the applicant:

(a) Street address: Wawelska Str. 52/54, 00-922 Warsaw, Poland;

(b) Postal address: Wawelska Str. 52/54, 00-922 Warsaw, Poland;

(c) Telephone number: (+48 22) 36-92-900

(d) Fax number: (+48 22) 36-92-450

(e) Email address: sekretariatmmj@mos.gov.pl; seabed@pgi.gov.pl

9. The applicant's designated representative is:

(a) Name: Mariusz Orion Jędrysek



- (b) Street address: same as in paragraph 8 (a) above;
  - (c) Postal address: same as in paragraph 8 (b) above;
  - (d) Telephone number: (+48 22) 36-92-337
  - (e) Fax number: (+48 22) 36-92-450
  - (f) Email address: sekretariatmmj@mos.gov.pl
10. The applicant is a State party to the Convention.
11. The date of deposit of the instrument of ratification of the United Nations Convention on the Law of the Sea by Poland is 13 November 1998 and the date of its consent to be bound by the Agreement relating to the Implementation of Part XI of the Convention is 13 November 1998.

## **B. Area of application**

12. The area of application is 10,000 km<sup>2</sup> in size and lies within the limits of two large segments of the Mid-Atlantic Ridge, located between the Hayes, Atlantis and Kane transforms faults/fracture zones (26°09'-32°50' N). The area consists of 100 exploration blocks of 10 km<sup>2</sup> each. The blocks are grouped into five clusters (a, b, c, d and e), each containing from 7 to 36 blocks. The coordinates and general location of the area under application are illustrated in the maps contained in the annex to the present document.
13. The area of application is a part of the international seabed area and lies beyond the limits of the national jurisdiction of any State and claimed continental shelf.
14. The applicant ensured that the area of the application does not overlap with reserved areas already delineated or with those claimed by other States parties, State enterprises or natural or juridical persons.
15. The area under application does not include sea lanes essential to international navigation or areas of intense fishing activity. The applicant nevertheless ensured that it would not establish any installations that would interfere with international navigation or fishing activities. Marine protected areas are not designated in the area under application.

## **C. Other information**

16. Poland is a sponsoring State of the Interoceanmetal Joint Organization, which was formed on 27 April 1987 on the basis of an intergovernmental agreement and commenced operations in December of the same year. The current sponsoring States of the Interoceanmetal Joint Organization are: Bulgaria, Cuba, Czechia, Poland, Russian Federation and Slovakia.
17. The applicant attached a written undertaking signed by the applicant's designated representative, in compliance with regulation 15 of the regulations.
18. The applicant elected to offer an equity interest in a joint venture arrangement, in accordance with regulation 19 of the regulations. The applicant submitted the data and information required for the election of equity interest in a joint venture agreement, in accordance with regulation 20 of the regulations.
19. The applicant has paid a fee of \$500,000, in accordance with regulation 21, paragraph 1, of the regulations.

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

20. The following technical documents and information were submitted in the application:

- (a) Information relating to the area under application:
  - (i) Charts of the location of the blocks under application;
  - (ii) A list of the coordinates of the corners of the blocks under application, in accordance with the World Geodetic System, 1984;
- (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 programme;
- (f) Written undertaking by the applicant.

#### **V. Consideration of financial and technical qualifications of the applicant**

##### **A. Financial capability**

21. The applicant has submitted a certificate of financial capability signed by its designated representative, certifying that the applicant has the necessary funds to meet the estimated minimum expenditure under the proposed plan of work for exploration and to fulfil its financial obligation to the Authority.

##### **B. Technical capability**

22. In evaluating the technical capability of the applicant, the Commission took note of the scope of responsibilities of the Government of Poland, as well as information in relation to its marine expertise, in particular as one of the sponsoring States of the Interoceanmetal Joint Organization.

23. The applicant provided details on the technical capability of the Interoceanmetal Joint Organization and its achievements since its inception, including the development and testing of mining and processing technologies, environmental research, economic and other appropriate studies necessary to commence nodule exploitation, and deep sea mining operations. Other technical capabilities include the following: complex mathematical modelling and computer simulations of mining complex systems; control process; assessment of the effects of the marine environment, such as waves and currents, on the mining complex, movement of the mining vessel and nodule miner and the effects of the movement on the vertical transport riser and its deformation.

##### **General description of equipment and methods**

24. The applicant provided information regarding the planned operation for carrying out the proposed plan of work for exploration, as well as on the methods

and instruments to be used for that purpose, including a detailed list of equipment to be utilized each year for the first five-year programme of activities. The applicant informed that it would use its own or a chartered research vessel and equipment such as the following:

(a) A multi-beam echo-sounder with relevant technical capabilities for conducting bathymetric surveys of the seabed in the area of exploration;

(b) A deep-water hydro-acoustic system including side-scan sonar and acoustic sub-bottom profiler operating at relevant frequencies, with a sufficient depth of penetration of the signal below the seabed and a system to measure the (electrical) self-potential;

(c) A hydrological system including an on-board unit and its underwater part;

(d) An underwater television-camera module, coupled with a manipulator installed on the platform of a remotely operated vehicle, to conduct near-bottom profile visual identification, contouring and sampling of polymetallic sulphide ore bodies and to conduct baseline environmental monitoring and sampling;

(e) A system of geological sampling equipment (contact bottom samplers);

(f) A ship navigation system, including the underwater acoustic ultrashort baseline positioning system with accuracy sufficient for precise determination of the position of the deep sea exploration equipment and sample locations coupled with on-board satellite positioning;

(g) A dynamic positioning or a track keeping system, enabling automatic piloting of a ship at specified low speeds and on assumed courses in following or towing deep sea underwater sampling and recording devices.

**Financial and technical capability to respond to any incident or activity which causes serious harm to the marine environment**

25. The applicant provided information related to the prevention, reduction and control of hazards to and possible impacts on the marine environment. The applicant stated that it was a State party to the following instruments: International Convention for the Prevention of Pollution from Ships; International Convention for the Safety of Life at Sea; Convention on International Regulations for Preventing Collisions at Sea; and International Convention on Standards of Training, Certification and Watchkeeping for Seafarers. The applicant also indicated that it would fully comply with the related international rules and the regulations of the International Maritime Organization for responding to any incident which causes serious harm to the marine environment.

26. The applicant indicated that it would use research vessels that carry protection and indemnity insurance or other appropriate insurance to ensure the financial responsibility for possible incidents. The applicant also indicated that it would play an active role in the response to any incident causing serious harm to the marine environment as a result of activities under the application.

27. It also indicated that there would be regular training of crews and on-board technicians on activities and emergency response to potential incidents that would cause serious harm to the marine environment. The applicant indicated that it would comply with the rules and standards established by competent international organizations concerning the safety of life at sea.

28. The applicant stated that it would observe and comply with rules, regulations and procedures related to employment, occupational safety and health, labour

relations, social security, employment security and living conditions at the work site in carrying out exploration activities under the application.

29. The applicant also stated that it would promptly report to the Secretary-General any incident arising from activities, which had caused, was causing, or threatened to cause serious harm to the marine environment. The applicant would also comply with emergency orders issued by the Council and immediate measures of a temporary nature issued by the Secretary-General with regard to a reported incident.

## **VI. Consideration of data and information submitted for approval of the plan of work for exploration**

30. In accordance with regulation 20 of the regulations, the applicant submitted the following information for approval of the plan of work for exploration:

(a) A general description and schedule of the proposed exploration programme, including the programme of activities for the immediate five-year period;

(b) A description of the programme for oceanographic and environmental baseline studies, in accordance with the regulations and any environmental rules, regulations and procedures established by the Authority that would enable an assessment of the potential environmental impact, including, but not restricted to, the impact on biodiversity of the proposed exploration activities, taking into account any recommendations issued by the Legal and Technical Commission, including those contained in its recommendations 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](#));

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

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

(e) Data necessary for the Council to make the determination as required by regulation 13, paragraph 1;

(f) A schedule of anticipated yearly expenditures in respect of the programme of activities for the immediate five-year period.

## **VII. Training programme**

31. The Commission noted that the applicant's proposed training programme included at-sea training opportunities and on-land training opportunities. The applicant also provided detailed information on the objectives and content of the training opportunities, including the general qualifications required of candidates. The Commission highlighted the fact that, in developing the training programme, the applicant and the Secretary-General should ensure that the training programme was in line with the recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration, issued by the Commission at the nineteenth session ([ISBA/19/LTC/14](#)).

## VIII. Conclusion and recommendations

32. Having examined the particulars submitted by the applicant, as 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 within the meaning of article 4 of annex III to the Convention.

33. The Commission is further satisfied that the applicant:

- (a) Has complied with the provisions of the regulations;
- (b) Has provided the undertaking and assurances specified in regulation 15 of the regulations;
- (c) Possesses the financial and technical capability to carry out the proposed plan of work for exploration.

34. The Commission is satisfied that none of the conditions in regulation 23, paragraph 6, of the regulations apply.

35. 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.

36. Accordingly, pursuant to regulation 23, paragraph 5, of the regulations, the Commission recommends to the Council approval of the plan of work for exploration for polymetallic sulphides submitted by the Government of Poland.

## Annex I

## Geographical coordinates of the 100 blocks under application

<i>Cluster</i>	<i>Block No.</i>	<i>Corner</i>	<i>Longitude</i>	<i>Latitude</i>
A	1	1	39° 57.760' W	32° 45.378' N
A	1	2	40° 4.164' W	32° 45.326' N
A	1	3	40° 4.230' W	32° 50.785' N
A	1	4	39° 57.819' W	32° 50.837' N
A	2	1	39° 51.338' W	32° 45.434' N
A	2	2	39° 57.742' W	32° 45.388' N
A	2	3	39° 57.801' W	32° 50.846' N
A	2	4	39° 51.390' W	32° 50.893' N
A	3	1	39° 44.923' W	32° 43.561' N
A	3	2	39° 51.325' W	32° 43.520' N
A	3	3	39° 51.377' W	32° 48.979' N
A	3	4	39° 44.968' W	32° 49.020' N
A	4	1	39° 38.504' W	32° 42.809' N
A	4	2	39° 44.906' W	32° 42.774' N
A	4	3	39° 44.952' W	32° 48.2334' N
A	4	4	39° 38.543' W	32° 48.2648' N
A	5	1	39° 32.100' W	32° 41.481' N
A	5	2	39° 38.501' W	32° 41.451' N
A	5	3	39° 38.540' W	32° 46.910' N
A	5	4	39° 32.133' W	32° 46.940' N
A	6	1	40° 4.092' W	32° 39.868' N
A	6	2	40° 10.489' W	32° 39.810' N
A	6	3	40° 10.561' W	32° 45.268' N
A	6	4	40° 4.157' W	32° 45.326' N
A	7	1	39° 57.673' W	32° 39.909' N
A	7	2	40° 4.071' W	32° 39.857' N
A	7	3	40° 4.136' W	32° 45.316' N
A	7	4	39° 57.732' W	32° 45.368' N
A	8	1	39° 51.277' W	32° 39.963' N
A	8	2	39° 57.675' W	32° 39.917' N
A	8	3	39° 57.734' W	32° 45.375' N
A	8	4	39° 51.329' W	32° 45.422' N
A	9	1	39° 44.888' W	32° 38.125' N
A	9	2	39° 51.284' W	32° 38.085' N
A	9	3	39° 51.336' W	32° 43.543' N
A	9	4	39° 44.934' W	32° 43.584' N
A	10	1	39° 38.470' W	32° 37.347' N
A	10	2	39° 44.865' W	32° 37.312' N
A	10	3	39° 44.910' W	32° 42.771' N
A	10	4	39° 38.509' W	32° 42.806' N

<i>Cluster</i>	<i>Block No.</i>	<i>Corner</i>	<i>Longitude</i>	<i>Latitude</i>
A	11	1	40° 8.177' W	32° 34.370' N
A	11	2	40° 14.567' W	32° 34.310' N
A	11	3	40° 14.643' W	32° 39.768' N
A	11	4	40° 8.246' W	32° 39.828' N
A	12	1	40° 1.788' W	32° 34.422' N
A	12	2	40° 8.179' W	32° 34.367' N
A	12	3	40° 8.248' W	32° 39.826' N
A	12	4	40° 1.850' W	32° 39.881' N
A	13	1	39° 55.391' W	32° 34.468' N
A	13	2	40° 1.782' W	32° 34.418' N
A	13	3	40° 1.845' W	32° 39.876' N
A	13	4	39° 55.447' W	32° 39.926' N
A	14	1	39° 48.987' W	32° 32.629' N
A	14	2	39° 55.377' W	32° 32.585' N
A	14	3	39° 55.433' W	32° 38.044' N
A	14	4	39° 49.037' W	32° 38.088' N
A	15	1	40° 1.721' W	32° 28.967' N
A	15	2	40° 8.106' W	32° 28.912' N
A	15	3	40° 8.175' W	32° 34.371' N
A	15	4	40° 1.784' W	32° 34.426' N
A	16	1	39° 55.335' W	32° 29.006' N
A	16	2	40° 1.720' W	32° 28.956' N
A	16	3	40° 1.783' W	32° 34.415' N
A	16	4	39° 55.391' W	32° 34.465' N
A	17	1	39° 48.935' W	32° 27.158' N
A	17	2	39° 55.318' W	32° 27.114' N
A	17	3	39° 55.373' W	32° 32.573' N
A	17	4	39° 48.984' W	32° 32.617' N
A	18	1	40° 8.037' W	32° 23.459' N
A	18	2	40° 14.415' W	32° 23.399' N
A	18	3	40° 14.490' W	32° 28.857' N
A	18	4	40° 8.105' W	32° 28.917' N
A	19	1	40° 1.661' W	32° 23.507' N
A	19	2	40° 8.039' W	32° 23.452' N
A	19	3	40° 8.107' W	32° 28.911' N
A	19	4	40° 1.723' W	32° 28.966' N
A	20	1	39° 55.282' W	32° 23.551' N
A	20	2	40° 1.661' W	32° 23.501' N
A	20	3	40° 1.723' W	32° 28.960' N
A	20	4	39° 55.338' W	32° 29.009' N
A	21	1	40° 11.558' W	32° 17.967' N
A	21	2	40° 17.930' W	32° 17.904' N
A	21	3	40° 18.008' W	32° 23.362' N

<i>Cluster</i>	<i>Block No.</i>	<i>Corner</i>	<i>Longitude</i>	<i>Latitude</i>
A	21	4	40° 11.630' W	32° 23.425' N
A	22	1	40° 12.848' W	32° 12.495' N
A	22	2	40° 19.213' W	32° 12.432' N
A	22	3	40° 19.292' W	32° 17.890' N
A	22	4	40° 12.921' W	32° 17.954' N
B	23	1	41° 40.339' W	30° 37.319' N
B	23	2	41° 46.592' W	30° 37.188' N
B	23	3	41° 46.749' W	30° 42.642' N
B	23	4	41° 40.489' W	30° 42.774' N
B	24	1	41° 34.080' W	30° 37.442' N
B	24	2	41° 40.334' W	30° 37.316' N
B	24	3	41° 40.484' W	30° 42.771' N
B	24	4	41° 34.225' W	30° 42.898' N
B	25	1	41° 27.835' W	30° 37.564' N
B	25	2	41° 34.089' W	30° 37.443' N
B	25	3	41° 34.234' W	30° 42.898' N
B	25	4	41° 27.973' W	30° 43.020' N
B	26	1	41° 42.893' W	30° 31.804' N
B	26	2	41° 49.140' W	30° 31.671' N
B	26	3	41° 49.298' W	30° 37.125' N
B	26	4	41° 43.045' W	30° 37.259' N
B	27	1	41° 36.646' W	30° 31.930' N
B	27	2	41° 42.893' W	30° 31.803' N
B	27	3	41° 43.045' W	30° 37.258' N
B	27	4	41° 36.792' W	30° 37.386' N
B	28	1	41° 30.401' W	30° 32.051' N
B	28	2	41° 36.650' W	30° 31.928' N
B	28	3	41° 36.796' W	30° 37.383' N
B	28	4	41° 30.542' W	30° 37.507' N
B	29	1	41° 48.979' W	30° 26.224' N
B	29	2	41° 55.219' W	30° 26.087' N
B	29	3	41° 55.382' W	30° 31.541' N
B	29	4	41° 49.136' W	30° 31.678' N
B	30	1	41° 42.743' W	30° 26.348' N
B	30	2	41° 48.984' W	30° 26.216' N
B	30	3	41° 49.141' W	30° 31.670' N
B	30	4	41° 42.894' W	30° 31.803' N
C	31	1	41° 59.811' W	30° 19.081' N
C	31	2	42° 6.043' W	30° 18.936' N
C	31	3	42° 6.216' W	30° 24.389' N
C	31	4	41° 59.978' W	30° 24.535' N
C	32	1	41° 49.509' W	30° 20.750' N
C	32	2	41° 55.744' W	30° 20.613' N



<i>Cluster</i>	<i>Block No.</i>	<i>Corner</i>	<i>Longitude</i>	<i>Latitude</i>
C	32	3	41° 55.907' W	30° 26.067' N
C	32	4	41° 49.666' W	30° 26.205' N
B	33	1	41° 43.272' W	30° 20.884' N
B	33	2	41° 49.507' W	30° 20.752' N
B	33	3	41° 49.664' W	30° 26.206' N
B	33	4	41° 43.423' W	30° 26.339' N
C	34	1	42° 2.376' W	30° 13.568' N
C	34	2	42° 8.602' W	30° 13.421' N
C	34	3	42° 8.776' W	30° 18.874' N
C	34	4	42° 2.544' W	30° 19.021' N
C	35	1	41° 56.138' W	30° 13.710' N
C	35	2	42° 2.364' W	30° 13.568' N
C	35	3	42° 2.533' W	30° 19.022' N
C	35	4	41° 56.300' W	30° 19.165' N
C	36	1	42° 5.414' W	30° 8.039' N
C	36	2	42° 11.634' W	30° 7.890' N
C	36	3	42° 11.810' W	30° 13.343' N
C	36	4	42° 5.584' W	30° 13.493' N
C	37	1	41° 59.194' W	30° 8.178' N
C	37	2	42° 5.414' W	30° 8.034' N
C	37	3	42° 5.585' W	30° 13.487' N
C	37	4	41° 59.358' W	30° 13.632' N
C	38	1	42° 5.248' W	30° 2.586' N
C	38	2	42° 11.462' W	30° 2.437' N
C	38	3	42° 11.638' W	30° 7.890' N
C	38	4	42° 5.418' W	30° 8.039' N
C	39	1	41° 59.022' W	30° 2.726' N
C	39	2	42° 5.237' W	30° 2.583' N
C	39	3	42° 5.407' W	30° 8.036' N
C	39	4	41° 59.186' W	30° 8.180' N
D	40	1	42° 38.076' W	29° 55.214' N
D	40	2	42° 44.287' W	29° 55.323' N
D	40	3	42° 44.165' W	30° 0.734' N
D	40	4	42° 37.948' W	30° 0.624' N
D	41	1	42° 31.866' W	29° 55.100' N
D	41	2	42° 38.076' W	29° 55.214' N
D	41	3	42° 37.948' W	30° 0.624' N
D	41	4	42° 31.732' W	30° 0.510' N
D	42	1	42° 25.656' W	29° 54.982' N
D	42	2	42° 31.866' W	29° 55.100' N
D	42	3	42° 31.732' W	30° 0.510' N
D	42	4	42° 25.517' W	30° 0.391' N
D	43	1	42° 43.358' W	29° 49.899' N

<i>Cluster</i>	<i>Block No.</i>	<i>Corner</i>	<i>Longitude</i>	<i>Latitude</i>
D	43	2	42° 49.564' W	29° 50.004' N
D	43	3	42° 49.446' W	29° 55.415' N
D	43	4	42° 43.235' W	29° 55.310' N
D	44	1	42° 37.153' W	29° 49.790' N
D	44	2	42° 43.358' W	29° 49.899' N
D	44	3	42° 43.235' W	29° 55.310' N
D	44	4	42° 37.024' W	29° 55.200' N
D	45	1	42° 30.948' W	29° 49.675' N
D	45	2	42° 37.153' W	29° 49.790' N
D	45	3	42° 37.024' W	29° 55.200' N
D	45	4	42° 30.814' W	29° 55.085' N
D	46	1	42° 24.744' W	29° 49.556' N
D	46	2	42° 30.948' W	29° 49.675' N
D	46	3	42° 30.814' W	29° 55.085' N
D	46	4	42° 24.604' W	29° 54.965' N
D	47	1	42° 44.959' W	29° 44.524' N
D	47	2	42° 51.159' W	29° 44.627' N
D	47	3	42° 51.043' W	29° 50.038' N
D	47	4	42° 44.837' W	29° 49.935' N
D	48	1	42° 38.759' W	29° 44.411' N
D	48	2	42° 44.959' W	29° 44.519' N
D	48	3	42° 44.838' W	29° 49.930' N
D	48	4	42° 38.632' W	29° 49.822' N
D	49	1	42° 51.274' W	29° 39.209' N
D	49	2	42° 57.470' W	29° 39.307' N
D	49	3	42° 57.360' W	29° 44.719' N
D	49	4	42° 51.159' W	29° 44.620' N
D	50	1	42° 44.014' W	29° 39.091' N
D	50	2	42° 50.209' W	29° 39.194' N
D	50	3	42° 50.093' W	29° 44.606' N
D	50	4	42° 43.892' W	29° 44.502' N
D	51	1	42° 51.389' W	29° 33.798' N
D	51	2	42° 57.579' W	29° 33.895' N
D	51	3	42° 57.470' W	29° 39.307' N
D	51	4	42° 51.275' W	29° 39.209' N
D	52	1	42° 45.200' W	29° 33.698' N
D	52	2	42° 51.389' W	29° 33.800' N
D	52	3	42° 51.274' W	29° 39.211' N
D	52	4	42° 45.080' W	29° 39.109' N
D	53	1	42° 51.503' W	29° 28.386' N
D	53	2	42° 57.688' W	29° 28.484' N
D	53	3	42° 57.579' W	29° 33.895' N
D	53	4	42° 51.389' W	29° 33.798' N

<i>Cluster</i>	<i>Block No.</i>	<i>Corner</i>	<i>Longitude</i>	<i>Latitude</i>
D	54	1	42° 59.667' W	29° 23.104' N
D	54	2	43° 5.847' W	29° 23.195' N
D	54	3	43° 5.746' W	29° 28.607' N
D	54	4	42° 59.561' W	29° 28.516' N
D	55	1	42° 53.488' W	29° 23.009' N
D	55	2	42° 59.667' W	29° 23.104' N
D	55	3	42° 59.561' W	29° 28.516' N
D	55	4	42° 53.376' W	29° 28.420' N
D	56	1	43° 1.378' W	29° 17.716' N
D	56	2	43° 7.553' W	29° 17.805' N
D	56	3	43° 7.454' W	29° 23.218' N
D	56	4	43° 1.274' W	29° 23.128' N
D	57	1	42° 55.204' W	29° 17.622' N
D	57	2	43° 1.378' W	29° 17.716' N
D	57	3	43° 1.274' W	29° 23.128' N
D	57	4	42° 55.095' W	29° 23.034' N
D	58	1	43° 4.982' W	29° 12.354' N
D	58	2	43° 11.151' W	29° 12.440' N
D	58	3	43° 11.056' W	29° 17.852' N
D	58	4	43° 4.881' W	29° 17.766' N
D	59	1	42° 58.813' W	29° 12.263' N
D	59	2	43° 4.982' W	29° 12.354' N
D	59	3	43° 4.881' W	29° 17.766' N
D	59	4	42° 58.707' W	29° 17.675' N
D	60	1	43° 13.587' W	29° 7.060' N
D	60	2	43° 19.751' W	29° 7.139' N
D	60	3	43° 19.663' W	29° 12.552' N
D	60	4	43° 13.494' W	29° 12.473' N
D	61	1	43° 7.423' W	29° 6.976' N
D	61	2	43° 13.587' W	29° 7.060' N
D	61	3	43° 13.494' W	29° 12.473' N
D	61	4	43° 7.324' W	29° 12.388' N
D	62	1	43° 1.252' W	29° 6.886' N
D	62	2	43° 7.416' W	29° 6.974' N
D	62	3	43° 7.317' W	29° 12.387' N
D	62	4	43° 1.148' W	29° 12.298' N
D	63	1	43° 18.246' W	29° 1.703' N
D	63	2	43° 24.406' W	29° 1.778' N
D	63	3	43° 24.322' W	29° 7.192' N
D	63	4	43° 18.158' W	29° 7.116' N
D	64	1	43° 12.087' W	29° 1.623' N
D	64	2	43° 18.246' W	29° 1.703' N
D	64	3	43° 18.158' W	29° 7.116' N

<i>Cluster</i>	<i>Block No.</i>	<i>Corner</i>	<i>Longitude</i>	<i>Latitude</i>
D	64	4	43° 11.993' W	29° 7.036' N
D	65	1	43° 18.335' W	28° 56.275' N
D	65	2	43° 24.489' W	28° 56.351' N
D	65	3	43° 24.406' W	29° 1.764' N
D	65	4	43° 18.247' W	29° 1.689' N
D	66	1	43° 12.181' W	28° 56.196' N
D	66	2	43° 18.335' W	28° 56.275' N
D	66	3	43° 18.247' W	29° 1.689' N
D	66	4	43° 12.088' W	29° 1.609' N
D	67	1	43° 17.823' W	28° 50.858' N
D	67	2	43° 23.971' W	28° 50.933' N
D	67	3	43° 23.888' W	28° 56.347' N
D	67	4	43° 17.734' W	28° 56.271' N
D	68	1	43° 11.676' W	28° 50.778' N
D	68	2	43° 17.824' W	28° 50.858' N
D	68	3	43° 17.736' W	28° 56.271' N
D	68	4	43° 11.582' W	28° 56.191' N
D	69	1	43° 29.558' W	28° 45.582' N
D	69	2	43° 35.702' W	28° 45.648' N
D	69	3	43° 35.629' W	28° 51.062' N
D	69	4	43° 29.480' W	28° 50.996' N
D	70	1	43° 17.909' W	28° 45.450' N
D	70	2	43° 24.052' W	28° 45.525' N
D	70	3	43° 23.970' W	28° 50.938' N
D	70	4	43° 17.821' W	28° 50.863' N
D	71	1	43° 11.766' W	28° 45.370' N
D	71	2	43° 17.909' W	28° 45.450' N
D	71	3	43° 17.821' W	28° 50.863' N
D	71	4	43° 11.673' W	28° 50.783' N
D	72	1	43° 29.636' W	28° 40.170' N
D	72	2	43° 35.775' W	28° 40.236' N
D	72	3	43° 35.703' W	28° 45.650' N
D	72	4	43° 29.559' W	28° 45.584' N
D	73	1	43° 23.498' W	28° 40.100' N
D	73	2	43° 29.636' W	28° 40.170' N
D	73	3	43° 29.559' W	28° 45.584' N
D	73	4	43° 23.415' W	28° 45.513' N
D	74	1	43° 17.360' W	28° 40.024' N
D	74	2	43° 23.498' W	28° 40.100' N
D	74	3	43° 23.415' W	28° 45.513' N
D	74	4	43° 17.271' W	28° 45.438' N
D	75	1	43° 28.672' W	28° 34.745' N
D	75	2	43° 34.806' W	28° 34.812' N

<i>Cluster</i>	<i>Block No.</i>	<i>Corner</i>	<i>Longitude</i>	<i>Latitude</i>
D	75	3	43° 34.733' W	28° 40.226' N
D	75	4	43° 28.594' W	28° 40.159' N
E	76	1	44° 24.216' W	27° 13.474' N
E	76	2	44° 30.275' W	27° 13.498' N
E	76	3	44° 30.251' W	27° 18.914' N
E	76	4	44° 24.187' W	27° 18.891' N
E	77	1	44° 18.157' W	27° 13.447' N
E	77	2	44° 24.216' W	27° 13.475' N
E	77	3	44° 24.187' W	27° 18.891' N
E	77	4	44° 18.123' W	27° 18.863' N
E	78	1	44° 19.739' W	27° 8.040' N
E	78	2	44° 25.794' W	27° 8.066' N
E	78	3	44° 25.766' W	27° 13.483' N
E	78	4	44° 19.707' W	27° 13.456' N
E	79	1	44° 15.986' W	27° 2.603' N
E	79	2	44° 22.035' W	27° 2.632' N
E	79	3	44° 22.005' W	27° 8.049' N
E	79	4	44° 15.951' W	27° 8.019' N
E	80	1	44° 22.051' W	26° 59.736' N
E	80	2	44° 28.098' W	26° 59.761' N
E	80	3	44° 28.073' W	27° 5.178' N
E	80	4	44° 22.021' W	27° 5.153' N
E	81	1	44° 23.066' W	26° 54.323' N
E	81	2	44° 29.108' W	26° 54.347' N
E	81	3	44° 29.083' W	26° 59.764' N
E	81	4	44° 23.036' W	26° 59.740' N
E	82	1	44° 23.545' W	26° 48.909' N
E	82	2	44° 29.582' W	26° 48.933' N
E	82	3	44° 29.558' W	26° 54.350' N
E	82	4	44° 23.516' W	26° 54.326' N
E	83	1	44° 17.515' W	26° 46.908' N
E	83	2	44° 23.550' W	26° 46.936' N
E	83	3	44° 23.521' W	26° 52.353' N
E	83	4	44° 17.481' W	26° 52.325' N
E	84	1	44° 19.517' W	26° 41.499' N
E	84	2	44° 25.547' W	26° 41.525' N
E	84	3	44° 25.520' W	26° 46.943' N
E	84	4	44° 19.485' W	26° 46.916' N
E	85	1	44° 23.231' W	26° 36.102' N
E	85	2	44° 29.258' W	26° 36.126' N
E	85	3	44° 29.233' W	26° 41.543' N
E	85	4	44° 23.202' W	26° 41.519' N
E	86	1	44° 17.206' W	26° 36.074' N

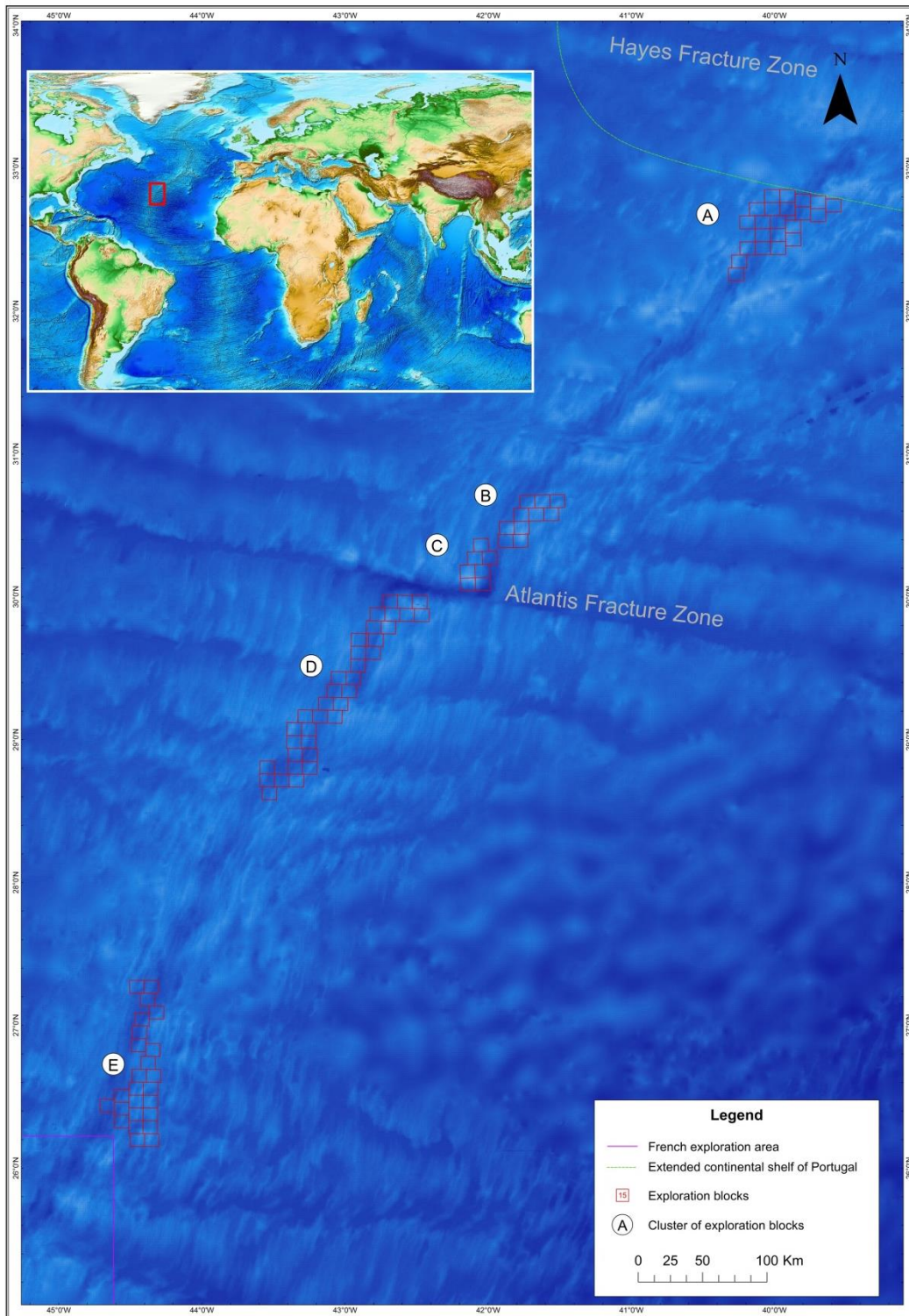
<i>Cluster</i>	<i>Block No.</i>	<i>Corner</i>	<i>Longitude</i>	<i>Latitude</i>
E	86	2	44° 23.231' W	26° 36.102' N
E	86	3	44° 23.202' W	26° 41.519' N
E	86	4	44° 17.172' W	26° 41.491' N
E	87	1	44° 24.558' W	26° 30.695' N
E	87	2	44° 30.579' W	26° 30.718' N
E	87	3	44° 30.556' W	26° 36.135' N
E	87	4	44° 24.530' W	26° 36.112' N
E	88	1	44° 18.536' W	26° 30.668' N
E	88	2	44° 24.558' W	26° 30.695' N
E	88	3	44° 24.530' W	26° 36.112' N
E	88	4	44° 18.504' W	26° 36.085' N
E	89	1	44° 30.584' W	26° 27.701' N
E	89	2	44° 36.603' W	26° 27.720' N
E	89	3	44° 36.585' W	26° 33.137' N
E	89	4	44° 30.561' W	26° 33.119' N
E	90	1	44° 24.585' W	26° 25.282' N
E	90	2	44° 30.602' W	26° 25.305' N
E	90	3	44° 30.579' W	26° 30.722' N
E	90	4	44° 24.557' W	26° 30.699' N
E	91	1	44° 18.569' W	26° 25.255' N
E	91	2	44° 24.585' W	26° 25.282' N
E	91	3	44° 24.557' W	26° 30.699' N
E	91	4	44° 18.536' W	26° 30.672' N
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E	92	2	44° 42.628' W	26° 23.549' N
E	92	3	44° 42.614' W	26° 28.966' N
E	92	4	44° 36.594' W	26° 28.952' N
E	93	1	44° 30.607' W	26° 22.284' N
E	93	2	44° 36.621' W	26° 22.302' N
E	93	3	44° 36.603' W	26° 27.720' N
E	93	4	44° 30.584' W	26° 27.701' N
E	94	1	44° 24.613' W	26° 19.864' N
E	94	2	44° 30.625' W	26° 19.887' N
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E	94	4	44° 24.585' W	26° 25.282' N
E	95	1	44° 18.601' W	26° 19.838' N
E	95	2	44° 24.613' W	26° 19.864' N
E	95	3	44° 24.585' W	26° 25.282' N
E	95	4	44° 18.569' W	26° 25.255' N
E	96	1	44° 30.630' W	26° 16.866' N
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E	96	3	44° 36.621' W	26° 22.302' N
E	96	4	44° 30.607' W	26° 22.284' N

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<i>Cluster</i>	<i>Block No.</i>	<i>Corner</i>	<i>Longitude</i>	<i>Latitude</i>
E	97	1	44° 24.640' W	26° 14.447' N
E	97	2	44° 30.647' W	26° 14.470' N
E	97	3	44° 30.625' W	26° 19.887' N
E	97	4	44° 24.613' W	26° 19.864' N
E	98	1	44° 18.633' W	26° 14.420' N
E	98	2	44° 24.640' W	26° 14.447' N
E	98	3	44° 24.613' W	26° 19.864' N
E	98	4	44° 18.601' W	26° 19.838' N
E	99	1	44° 24.043' W	26° 9.020' N
E	99	2	44° 30.046' W	26° 9.043' N
E	99	3	44° 30.023' W	26° 14.461' N
E	99	4	44° 24.016' W	26° 14.438' N
E	100	1	44° 18.041' W	26° 8.993' N
E	100	2	44° 24.043' W	26° 9.020' N
E	100	3	44° 24.016' W	26° 14.438' N
E	100	4	44° 18.008' W	26° 14.411' N

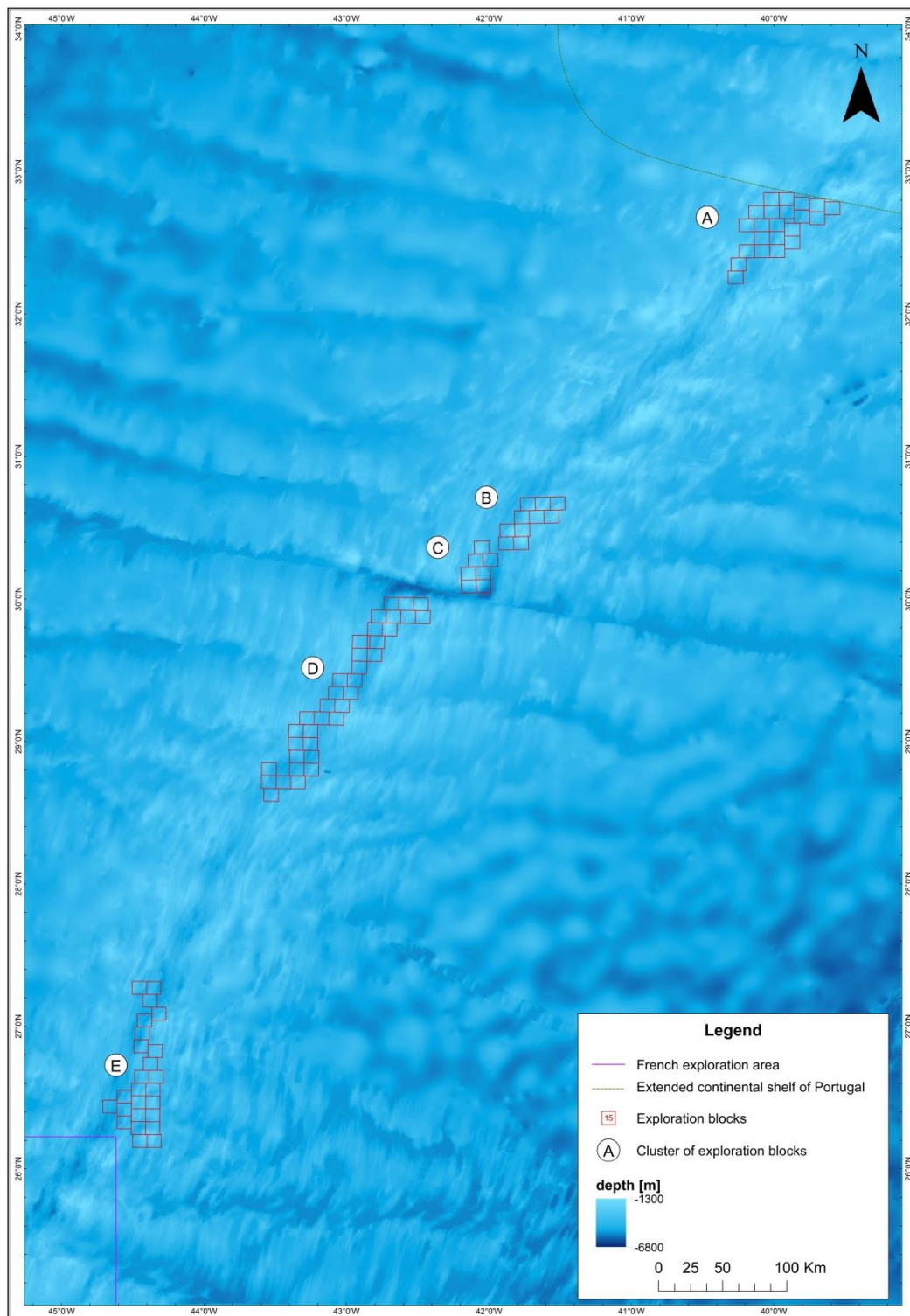
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### Map of the general location of the area under application





**Bathymetric map showing the detailed location of the area under application**





## Council

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### Twenty-third session

Kingston, 7-18 August 2017

Agenda item 12

### Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-third session

## Report of the Chair of the Legal and Technical Commission on the work of the Commission at its session in 2017

### I. Introduction

1. The twenty-third session of the Legal and Technical Commission of the International Seabed Authority was held from 21 February to 3 March and from 31 July to 9 August 2017.
2. On 21 February, the Commission adopted its agenda ([ISBA/23/LTC/1](#)) and elected Christian Reichert (Germany) as Chair and Michelle Walker (Jamaica) as Vice-Chair.
3. The Commission noted with satisfaction that more than 80 per cent of its members attended both meetings of the session. Russell Howorth (Fiji) was unable to participate in either meeting. Mark Alcock (Australia) and Harald Brekke (Norway) participated in the meetings in February and March but were unable to participate in the meetings in July and August. Alfonso Ascencio-Herrera (Mexico), Montserrat González Carrillo (Chile) and Ryszard Andrzej Kotliński (Poland) resigned on 5 January, 6 January and 18 February 2017, respectively. Following previous practice, Piotr Nowak (candidate nominated by Poland) participated in both meetings and Alonso Martínez Ruiz (candidate nominated by Mexico) participated in the meetings in July and August before their election by the Council on 8 August. It was noted that Gastón Fernández Montero was nominated by Chile for the same election.
4. On 20 February, a workshop and training session was held to familiarize the new members of the Commission with the work of the Authority and the working methods of the Commission.



## **II. Activities of the contractors**

### **A. Status of contracts for exploration**

5. The Commission was provided with information on the status of contracts signed by the Authority for exploration for polymetallic nodules, polymetallic sulphides and cobalt-rich ferromanganese crusts ([ISBA/23/LTC/2](#)).

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

6. In February and March, the Commission was informed that three training places were being offered by the Institut français de recherche pour l'exploitation de la mer, namely, one at-sea training place pursuant to its contract for exploration for polymetallic sulphides and two internships pursuant to its contract for exploration for polymetallic nodules. The Commission was also informed that two training places had been made available by Global Sea Mineral Resources NV pursuant to its contract for exploration for polymetallic nodules. A training subgroup was established to evaluate applications, select candidates and report to the full Commission. On the basis of the recommendations of the training subgroup, 5 first-ranked and 16 alternate candidates were selected by the Commission. Details on the selections can be found in document [ISBA/23/LTC/4](#).

7. By July, the Commission had been informed of 13 new training opportunities provided by four contractors in accordance with their respective contracts with the Authority. During the meetings in February and March, it was agreed by the Commission that the training subgroup would work with the secretariat in the intersessional period to identify appropriate candidates for training opportunities. Nine first-ranked candidates were selected in the intersessional period on the basis of the recommendations of the training subgroup (see [ISBA/23/LTC/7](#)). The training places are as follows:

(a) Two at-sea training places offered by the Ministry of Oceans and Fisheries of the Republic of Korea between June and August 2017;

(b) Three fellowship training places offered by China Ocean Mineral Resources Research and Development Association between September and November 2017;

(c) Four at-sea training places offered by the Federal Institute for Geosciences and Natural Resources of Germany between August and October 2017.

8. At its meetings in July and August, the Commission selected the candidates for the remaining four at-sea training places offered by Japan Oil, Gas and Metals National Corporation, scheduled between May and June 2018. Details on the selections can be found in document [ISBA/23/LTC/7](#).

9. The Commission noted with satisfaction that, to manage the substantial increase in workload relating to the training programmes, the dedicated training officer provided for in the budget for the financial period 2017-2018 has been recruited and is in post as at 1 July 2017.

### **C. Application for extension of an approved plan of work for exploration**

10. An application for extension, for a five-year period, of an approved plan of work for exploration for polymetallic nodules was submitted to the Secretary-General by the Government of India on 20 September 2016.

11. In February and March 2017, the Commission considered the application expeditiously, in accordance with paragraphs 8-13 of the procedures and criteria for the extension of an approved plan of work for exploration ([ISBA/21/C/19](#), annex). The Commission established three working groups to review the geological and technological aspects, the environmental and training aspects and the legal and financial aspects of the application. Following extensive deliberations, the Commission requested the applicant to provide additional data and information, including historical data, through a set of questions transmitted on 7 March. The applicant submitted its response to the questions in a letter addressed to the Secretary-General on 3 May.

12. During the meetings in July and August, the Commission considered the responses provided by the applicant and requested additional information. The responses were provided by the applicant on 4 August and were satisfactory to the Commission.

13. The Commission recalled that, following past practice and pursuant to paragraph 12 of the procedures and criteria for the extension of an approved plan of work for exploration, if it considered that the contractor had made efforts in good faith to comply with the requirements of the contract for exploration but, for reasons beyond the contractor's control, had been unable to complete the preparatory work necessary for proceeding to the exploitation stage, or if the prevailing economic circumstances did not justify proceeding to the exploitation stage, then it was to recommend the approval of the application.

14. Having concluded that the information provided by the applicant was in line with the above-mentioned procedures and criteria, the Commission recommended that the Council approve the application. The Commission noted that the contract for exploration for which an extension had been requested had expired and that the agreement to be drafted concerning the extension (*ibid.*, appendix II) would come into effect the day after the date of expiry of the contract. The recommendations of the Commission on the application are contained in document [ISBA/23/C/9](#).

### **D. Annual reports of contractors**

15. In July and August 2017, the Commission considered 23 annual reports on activities carried out by contractors in 2016. Of the reports, 14 were related to exploration for polymetallic nodules, 5 to exploration for polymetallic sulphides and 4 to exploration for cobalt-rich ferromanganese crusts. It was noted that one contractor had provided a combined report for two contracts for exploration for polymetallic nodules. Following its previous practice, the Commission divided itself into three working groups to review the geological and technological aspects, the environmental and training aspects and the legal and financial aspects of the applications. In addition to specific comments on each report to be conveyed to the contractor concerned by the Secretary-General, the Commission made the following general comments:

(a) The Commission welcomed the progress of exploration activities conducted in the Area. More than 750 days at sea, comprising 15 survey cruises, were completed;

(b) The Commission welcomed the presentation of well-structured annual reports and noted a high overall level of reporting. Moreover, almost all annual reports complied with the templates issued by the Commission (see [ISBA/21/LTC/15](#)), and the Commission urged contractors to continue to use the templates. The Commission reiterated the need to proceed with the resource classification as recommended by the Commission (*ibid.*);

(c) In general, the Commission found that most contractors met the reporting requirements under the standard clauses of the contract. However, there were some cases of non-compliance, which were noted. One contractor submitted two annual reports late. Another contractor did not meet its reporting requirement regarding environmental data and generally failed to comply with requirements prescribed under the standard clauses of the contract;

(d) The Commission noted that some contractors faced delays in following the plan of work as approved by the Authority. The Commission stressed the need for those contractors to present an updated schedule and strategy in order to assist the Commission in evaluating the ability of the contractors to overcome such delays and proceed to and complete the exploration activities under the contracts for exploration;

(e) The Commission recommended that consultations be undertaken by the secretariat to ensure that the training programme undertaken by one contractor was consistent with the agreed plan of work;

(f) The Commission noted that most contractors had made good progress with regard to the collection or analysis of baseline environmental data. Two contractors appeared not to have advanced environmental objectives at all, but others had made further progress analysing existing or new data, or in several cases taking stock of previous data and undertaking a review of many years of data collection. The latter is important to ensure that workplans remain robust and future sampling is optimized;

(g) Contractors had all largely followed the methodology as detailed in the recommendations 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](#)). One contractor reported its non-compliance with one specific condition in the recommendations but provided a detailed explanation. Environmental studies reported in 2016, especially for biological communities, focused on sea floor data. There were some issues relating to small sample sizes and insufficient numbers of sampling stations for describing environmental variability and some variation in methodology, environmental classifications or sampling equipment that may limit regional-level analyses, and more description on pelagic communities will be needed in the future. In general, the Commission was pleased with the quality of environmental studies being conducted;

(h) To generate appropriate regional environmental management plans, the Authority needs all contractors to collect samples consistently and to fully report their data. Significant progress had been made in the submission of data to the Authority as part of applications for contract extensions and to meet annual reporting requirements. All reported data have been submitted in Excel spreadsheet format, but the Commission noted that some contractors had still not used the recommended templates. One contractor had not provided data owing to confidentiality clauses of an international research programme;



(i) The Commission expressed support for and encouraged the emerging trend of collaboration between contractors. One contractor has proposed to convene a forum for contractors in 2018 to discuss issues of common concern, such as the development of exploration methods and technologies. It was noted that collaboration has extended to environmental surveys and data collection, which potentially enables an improved regional understanding of environmental patterns. Mapping of biological communities at a regional scale is required for the creation of robust regional environmental management plans. In that regard, the Commission noted improved taxonomic standardization, collaboration between contractors, linkages between contractors and international research programmes, sampling in areas of particular environmental interest as well as contract areas, and several joint contractor voyages in recent years. The Commission noted that when joint work is undertaken, it is nevertheless important to report on results by each individual contract area, and not on combined environmental data and analyses alone, which caused some confusion in the reporting by one contractor.

### **III. Application for approval of a plan of work for exploration for polymetallic sulphides by the Government of Poland**

16. On 25 January 2017, the Secretary-General received an application for approval of a plan of work for exploration for polymetallic sulphides from the Government of Poland. The area under application is 10,000 square kilometres in size and lies within the limits of two large segments of the Mid-Atlantic Ridge, located between the Hayes, Atlantis and Kane transform faults/fracture zones. The Secretary-General notified the members of the Authority and the members of the Commission of the receipt of the application and placed the consideration of the application on the agenda of the Commission, to be taken up at the meetings in July and August. On 31 July, the applicant gave a presentation on its application and responded to questions raised by the members of the Commission. The Commission established three working groups to review the legal and financial aspects, the geological and technological aspects and the environmental and training aspects of the application. On 1 and 3 August, the Commission considered the evaluation by the working groups. The Commission invited the applicant to respond to additional questions on 4 August. In addition to providing answers orally, the applicant submitted its answers to the additional questions in writing on 4 August. On the basis of the evaluation of the application by the working groups, the Commission adopted its report and recommendations to the Council ([ISBA/23/C/11](#)).

### **IV. Regulatory activities of the Authority**

#### **A. Consideration and approval of draft regulations for exploitation of mineral resources in the Area**

17. During the first meeting of its twenty-third session, in February 2017, the Commission considered a report prepared by the secretariat containing an overview of the submissions made by stakeholders to the revised working draft of exploitation regulations issued by the Commission for comment in July 2016. In that report, a summary of stakeholder responses on matters put forward by the Commission for consideration was also provided. Transparency remains an overarching theme in stakeholder responses; the current approach being taken on regulatory development was generally welcomed. With regard to separate regulations dealing with environmental matters and a mining inspectorate, the Commission noted a general sentiment that while the development of separate regulations might be appropriate,

such an approach also entailed challenges owing to the potential for duplication, ambiguity and a lack of consistency between separate sets of regulations. The Commission also noted a number of areas for further consideration, including the role of sponsoring States, and further noted that a future draft should provide realistic time frames for the application and other processes.

18. The Commission continued its review of the working draft in the light of stakeholder comments, and considered a discussion paper on the development and drafting of environmental regulations, issued by the secretariat in January 2017 for initial comments and review.

19. The Commission requested the secretariat to take note of its feedback on stakeholder comments and discussions within the Commission, together with relevant expert input arising from subsequent workshops held in Berlin relating to an environmental management strategy<sup>1</sup> and in Singapore relating to a working financial model,<sup>2</sup> and to prepare a consolidated set of draft regulations.

20. At its meetings in July and August, the Commission took note of the reports of the Berlin and Singapore workshops and acknowledged both the thoroughness of their preparation and expert contribution to the regulatory development process. The Commission then reviewed, chapter by chapter, a single set of draft regulations presented by the secretariat, including a framework for environmental and inspection provisions. With regard to the structure and flow of the draft, as well as regulatory language, the Commission acknowledged the progress made to date, but noted that more work was needed to clarify ambiguities and facilitate a clearer understanding of the regulatory process.

21. Given the significance of a payment mechanism in the development of the common heritage, the Commission noted that the secretariat would prepare a consultation paper on the design of a payment mechanism and financial terms. The Commission would review the outcome of the exercise at its next meeting, in 2018, with a view to issuing a consultation paper to all stakeholders.

22. The Commission discussed a road map for the delivery of the draft regulations to the Council and for their subsequent adoption and approval. To that end, the annex to the present report summarizes the key milestone deliverables and dates discussed, including stakeholder consultation. The Commission highlighted the need for the development of technical criteria, recommendations and guidelines to support the delivery of the exploitation regulations.

23. In connection with priority deliverable No. 7, concerning responsibility and liability (see ISBA/21/C/16, annex III), the Commission was informed that a legal working group would meet in London in the last week of September 2017. The group would explore key questions and issues to be addressed in order to advance the development of a liability regime in the Area. The Commission welcomed the initiative and recommended that the group also explore the concept of effective control and its relevance in a liability context. It was noted that the secretariat would brief the Commission on the outcome of the workshop, together with recommended next steps, at the next meeting of the Commission, in 2018.

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<sup>1</sup> Workshop entitled “Towards an ISA environmental management strategy for the Area”, held from 20 to 24 March 2017 in Berlin and co-organized and hosted by the Federal Environment Agency and the Federal Institute for Geosciences and Natural Resources of Germany and the secretariat of the Authority. The report of the workshop (International Seabed Authority technical study No. 17) is available from <https://www.isa.org.jm/sites/default/files/files/documents/berlinrep-web.pdf>.

<sup>2</sup> Workshop entitled “Deep seabed mining: payment regime workshop No. 3”, held from 19 to 21 April 2017 in Singapore. The report of the workshop is available from <https://www.isa.org.jm/files/documents/EN/Regs/DraftExpl/DSM-PRW-3.pdf>.

24. The Commission noted that the Secretary-General would make publicly available the draft regulations presented to it. The Commission will continue its work on the draft regulations and consider additional stakeholder responses at its next meeting.

**B. Review of the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area**

25. In February and March, a working group was established to review the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area (see [ISBA/19/LTC/8](#)). It continued its work during the intersessional period in order to be able to propose revisions during the meetings in July and August. At those meetings, a set of draft revised recommendations were submitted by the working group.

26. Following extensive deliberations on the draft revised recommendations and, in particular, in view of the reasons for the review exercise, namely, to provide up-to-date guidance on the current best available methodology and technology to support the contractors in implementing their plans of work for exploration and achieving the effective protection of the marine environment from the harmful effects that may arise from activities in the Area, the Commission decided to provide the draft revised recommendations to the contractors for their comments. The responses of the contractors will be considered by the Commission at its next meeting, after which the Commission is likely to issue an updated version of the recommendations.

**C. Review of the implementation of the environmental management plan for the Clarion-Clipperton Fracture Zone and the development of environmental management plans in other international seabed area zones**

27. At its meetings in February and March, the Commission set up a working group to review the implementation of the environmental management plan for the Clarion-Clipperton Fracture Zone and the development of environmental management plans in other international seabed area zones. In relation to that matter and on the basis of the advice of the working group, the secretariat will convene a technical workshop from 27 to 29 September 2017 in Berlin on the criteria for the selection of impact reference zones and preservation reference zones. It was also noted that a second workshop, dedicated to the review of the status of implementation of the environmental management plan for the Zone and areas of particular environmental interest will be deferred to the first half of 2018 (see [ISBA/23/C/8](#), para. 19).

28. The Commission noted that no environmental management plans had been developed for massive sea floor sulphide deposits associated with mid-ocean ridges of the Atlantic and Indian Oceans or for the cobalt-rich crusts of the seamounts in the Pacific Ocean. It observed that, in the light of the development of regulations on exploitation and the applications for exploration contracts and given increasing activity in those regions, there was a need for a regional approach on establishing effective environmental management plans similar to that developed for the Clarion-Clipperton Fracture Zone in the central Pacific. It took note with appreciation of the report of the workshop convened in Berlin in March 2017,<sup>1</sup> and requested the



secretariat to continue its work on the development of environmental management plans in the intersessional period.

## **V. Implementation of the data management strategy of the Authority**

29. On 31 July 2017, the secretariat informed the Commission of its progress towards the implementation of the data management strategy of the Authority. Starting in August 2016, the secretariat began to migrate all historical data provided by contractors into a digital format and into geo-referenced data. To date, approximately 1.8 million data points from areas in which plans of work have been approved have been migrated to the appropriate format. The migration of data has been achieved in accordance with international standards to ensure that the Authority's database will be compatible with worldwide databases. The Commission was informed that the secretariat had completed three of the eight phases and that it anticipated that the data management strategy would be fully implemented by the end of October 2018.

30. In its deliberations, the Commission noted with satisfaction the progress made by the secretariat since February 2017 and expressed its willingness to assist the secretariat with the further implementation of the data management strategy. The Commission emphasized the importance of migrating historical data to operationalize it in digital form and raised questions about the procedure, timeline and progress towards achieving that end. It welcomed the efforts of the secretariat to collaborate with other international organizations, United Nations agencies and institutions for the improved development of database systems, while raising questions about the nature and level of collaboration. Discussions were also held on specific technical questions pertaining to the format and flow of data, as well as security measures. The Commission expressed its concern that the management of the database, once operationalized, will require significant human and financial resources and queried whether the secretariat had the requisite capacity. In that context, the Commission emphasized the need for new positions in the secretariat for staff dedicated to operating and maintaining the database in terms of increasing data volume, updating storage media, handling security issues and evolving access requests. The Commission requested the secretariat to report regularly on the status of implementation of the data management strategy.

## **VI. Matters referred to the Commission by the Council**

31. In paragraph 13 of its decision relating to the summary report of the Chair of the Legal and Technical Commission ([ISBA/22/C/28](#)), the Council requested the Commission to review the provisions of the regulations on prospecting and exploration for polymetallic nodules relating to the option of offering an equity interest in a joint venture arrangement with a view to aligning all regulations in that respect, and to make a recommendation thereon for consideration by the Council at its next session.

32. At its meetings in July and August 2017, the Commission considered a paper prepared by the secretariat on issues relating to the possible alignment of the Authority's regulations on prospecting and exploration concerning the option of offering an equity interest in a joint venture arrangement. Several issues were raised during the ensuing discussion. The Commission recommended that the secretariat prepare a detailed analysis to compare the legal and policy implications of including or not including the option of offering an equity interest in a joint venture

arrangement in the regulations on prospecting and exploration for polymetallic nodules.

33. In view of the heavy workload of the Commission and time restraints, in particular owing to the request of the Council to afford priority to the development of the exploitation code, the Commission was unable to discuss other matters referred to it by the Council at the current session, including: issues related to the sponsorship by States of contracts for exploration in the Area, with particular attention to the test of effective control (see para. 23 above), as well as issues related to monopolization of activities in the Area, taking into consideration, in particular, the concept of abuse of a dominant position; issues relating to the operation of the Enterprise, in particular the legal, technical and financial implications for the Authority; and issues associated with the conduct of marine scientific research in exploration areas. Those matters will remain under the review of the Commission.

## **VII. Other matters**

34. The Commission noted that a number of recommendations contained in the report on the periodic review of the Authority pursuant to article 154 of the United Nations Convention on the Law of the Sea (ISBA/23/A/3, annex) are related to the Commission and its work. The Commission stands ready to respond to the outcome of the Assembly's consideration of that report.

## Annex

## Timeline for the adoption and approval of the regulations on exploitation of mineral resources in the Area\*

	<i>Aug. 2017</i>	<i>Intersessional</i>	<i>Mar. 2018</i>	<i>Intersessional</i>	<i>July 2018</i>	<i>Intersessional</i>	<i>July 2019</i>	<i>Intersessional</i>	<i>July 2020</i>	<i>July 2020+</i>
Draft exploitation regulations	LTC considers draft regulations	Secretariat issues draft regulations for comment	LTC considers draft regulations	Stakeholder comments on revised draft regulations	LTC issues working paper to Council (including financial terms)	Council deliberates on working paper/draft regulations	Progress and status report by Council	Council continues deliberations	Council adopts regulations	Continued development of standards and LTC guidance
Financial model and financial terms			LTC issues consultation paper on financial terms	Stakeholder consultation on financial terms			Stakeholder consultation as required		Assembly approves regulations	

*Abbreviation:* LTC, Legal and Technical Commission.

\* Timeline does not reflect the proposed revised meeting schedule (see [ISBA/23/A/5/Rev.1](#), annex II).



## Council

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### Twenty-third session

Kingston, 7-18 August 2017

Agenda item 10

### Consideration, with a view to approval, of an application for a plan of work for exploration

## Decision of the Council of the International Seabed Authority relating to an application by the Government of Poland for approval of a plan of work for exploration for polymetallic sulphides

*The Council of the International Seabed Authority,*

*Acting upon the recommendation of the Legal and Technical Commission,*

*Noting that, on 25 January 2017, the Government of Poland submitted to the Secretary-General of the International Seabed Authority an application for approval of a plan of work for exploration for polymetallic sulphides in the Area, in accordance with the regulations on prospecting and exploration for polymetallic sulphides in the Area,<sup>1</sup>*

*Recalling that, in accordance with section 1, paragraph 6 (a), 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,<sup>2</sup> the processing of an application for approval of a plan of work for exploration shall be in accordance with the provisions of the Convention,<sup>3</sup> including annex III thereto, and the Agreement,*

*Recalling also that, pursuant to article 153, paragraph 3, of the Convention and section 1, paragraph 6 (b), 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 1 February 2011 of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea on responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area,*

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<sup>1</sup> ISBA/16/A/12/Rev.1, annex.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1836, No. 31364.

<sup>3</sup> *Ibid.*, vol. 1833, No. 31363.



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 exploration for polymetallic sulphides submitted by the Government of Poland to the Council of the International Seabed Authority,<sup>4</sup> in particular paragraphs 32 to 36 thereof;

2. *Approves* the plan of work for exploration for polymetallic sulphides submitted by the Government of Poland;

3. *Requests* the Secretary-General of the International Seabed Authority to issue the plan of work for exploration for polymetallic sulphides in the form of a contract between the Authority and the Government of Poland in accordance with the regulations on prospecting and exploration for polymetallic sulphides in the Area.<sup>1</sup>

*225th meeting  
10 August 2017*

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<sup>4</sup> ISBA/23/C/11.



## Council

Distr.: General  
10 August 2017

Original: English

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### Twenty-third session

Kingston, 7-18 August 2017

Agenda item 11

### Consideration, with a view to approval, of an application for extension of a contract for exploration

#### **Decision of the Council of the International Seabed Authority relating to an application by the Government of India for extension of a contract for exploration for polymetallic nodules between the Government of India and the Authority**

*The Council of the International Seabed Authority,*

*Acting* upon the recommendation of the Legal and Technical Commission,

*Recalling* that, on 25 March 2002, the Government of India entered into a 15-year contract for exploration for polymetallic nodules with the International Seabed Authority,

*Noting* that, on 22 September 2016, the Secretary-General of the Authority received an application for a five-year extension of the contract,

*Recalling* 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,<sup>1</sup>

*Recalling also* its decision 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,<sup>2</sup>

*Considering* the report and recommendation of the Legal and Technical Commission relating to the application by the Government of India for extension of the contract,<sup>3</sup>

1. *Decides* to approve the application for extension of the contract;
2. *Requests* the Secretary-General of the International Seabed Authority to take the steps necessary to execute the extension of the contract, with effect from 25 March 2017, by signature of an agreement in the form set out in appendix II to the annex to its decision relating to the procedures and criteria for the extension of

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1836, No. 31364.

<sup>2</sup> [ISBA/21/C/19](#).

<sup>3</sup> [ISBA/23/C/9](#).



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;<sup>2</sup>

3. *Invites* the applicant to be ready to proceed to exploitation at the end of the five-year extension period.

*225th meeting*  
*10 August 2017*

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## Council

Distr.: General  
18 August 2017

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### Twenty-third session

Kingston, 7-18 August 2017

Agenda item 14

### Consideration of proposed amendments to the staff regulations of the Authority

### Decision of the Council of the International Seabed Authority concerning the staff regulations of the Authority

*The Council of the International Seabed Authority,*

1. *Decides* to adopt and apply provisionally, pending approval by the Assembly, the revisions to the staff regulations of the Authority as contained in the annex to the present document;

2. *Recommends* that the Assembly approve the revisions to the staff regulations of the Authority.

*226th meeting  
10 August 2017*





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**Annex****Revisions to the staff regulations of the International Seabed Authority**

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*Current staff regulations of the International Seabed Authority**Revisions to the staff regulations of the International Seabed Authority*

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**Regulation 3.4**

The Secretary-General shall establish terms and conditions, under which dependency benefits, an education grant, an assignment grant, a mobility and hardship allowance, and language benefits shall be available to eligible staff members.

*The Secretary-General shall establish the terms and conditions under which dependency benefits, an education grant, a settling-in grant, a mobility and hardship allowance and language benefits shall be available to eligible staff members.*

**Regulation 3.5**

Subject to satisfactory service, salary increments within the levels shall be awarded annually, except that any increments above step XI of the Associate Officer level, step XIII of the Second Officer level and step IV of the Principal Officer level shall be preceded by two years at the previous step.

*Subject to satisfactory service, salary increments within the levels shall be awarded annually, except that any increments above step VII of the Professional levels and step IV of the D-1 level shall be preceded by two years at the previous step. Subject to satisfactory service, salary increments at the D-2 level shall be awarded biennially.*

**Regulation 9.4**

Staff members shall not be retained in service beyond the age of sixty-two years. The Secretary-General may, in the interest of the Authority, extend this age limit in exceptional cases.

*Staff members shall not be retained in service beyond the age of 62 years or, if appointed on or after 1 January 2016, beyond the age of 65 years. In exceptional cases, the Secretary-General may, in the interest of the Authority, extend this age limit.*

**Appendix II**

In principle, the repatriation grant shall be payable to staff members whom the Authority is obligated to repatriate and who at the time of separation are residing, by virtue of their service with the Authority, outside their country of nationality. The repatriation grant shall not, however, be paid to a staff member who is summarily dismissed. Eligible staff members shall be entitled to repatriation grant only upon relocation outside the country of the duty station. Detailed conditions and definitions relating to eligibility and requisite evidence of relocation shall be determined by the Secretary-General.

*In principle, the repatriation grant shall be payable to staff members who have completed at least five years of qualifying service, whom the Authority is obligated to repatriate and who, at the time of separation, are residing, by virtue of their service with the Authority, outside their country of nationality. The repatriation grant shall not, however, be paid to a staff member who is summarily dismissed. Eligible staff members shall be entitled to a repatriation grant only upon relocation outside the country of the duty station. Detailed conditions and definitions relating to eligibility and requisite evidence of relocation shall be determined by the Secretary-General.*

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## Council

Distr.: General  
17 August 2017

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### Twenty-third session

Kingston, 7-18 August 2017

Agenda item 13

### Report of the Finance Committee

#### **Decision of the Council of the International Seabed Authority relating to financial and budgetary matters**

*The Council of the International Seabed Authority,*

*Taking into account* the recommendations of the Finance Committee,<sup>1</sup>

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

- (a) Appoint Ernst & Young as independent auditor for a four-year term for the period 2017-2020;
- (b) Urge the members of the International Seabed Authority to pay their assessed contributions to the budget on time and in full;
- (c) Decide that the assessment of the contribution from Azerbaijan shall be as specified in paragraph 28 of the report of the Finance Committee;<sup>1</sup>
- (d) Note with concern the increasing amount of outstanding contributions, 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, including by implementing the recommendations set out in paragraph 34 of the report of the Finance Committee;<sup>1</sup>
- (e) Also note with concern that the current status of the voluntary trust fund compromises its operation beyond 2018;
- (f) Urge members, observers and other possible donors to make voluntary contributions to the endowment fund and the voluntary trust fund of the Authority;
- (g) Adopt the revised criteria for the management and use of the voluntary trust fund as set out in the annex to the present decision;
- (h) Note that, in accordance with regulation 9.1 of the Authority's financial regulations, the secretariat shall reinvest the current balance of \$184,240 in the voluntary trust fund with Jamaica Money Market Brokers Ltd in order to obtain a higher rate of interest;

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<sup>1</sup> [ISBA/23/A/8-ISBA/23/C/10](#).



(i) Take note of the Authority's progress in implementing the International Public Sector Accounting Standards;

(j) Also take note of the implementation by the Authority of the revisions to the compensation package for staff in the Professional and higher categories in line with the recommendations of the International Civil Service Commission as adopted by the United Nations General Assembly;<sup>2</sup>

(k) Further take note of the implementation, currently in progress, of the new format and structure of the budget for 2017-2018;

(l) Request the Secretary-General to implement remote simultaneous interpretation for the meetings of the Legal and Technical Commission and the meetings of the Finance Committee in 2018, subject to the matters raised in paragraph 12 of the report of the Finance Committee<sup>1</sup> being addressed.

228th meeting  
11 August 2017

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<sup>2</sup> See *Official Records of the General Assembly, Seventieth Session, Supplement No. 30 (A/70/30)*, and General Assembly resolution [70/244](#).

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**Annex****Terms and conditions for the management and use of the voluntary trust fund of the Authority**

*The Assembly of the International Seabed Authority,*

*Bearing in mind* that the Legal and Technical Commission and the Finance Committee discharge essential functions that are prerequisites for the decision-making of the International Seabed Authority, drawing upon the personal qualifications and experience of their members,

*Mindful* of the need to enhance the participation of all members of the Commission and the Committee, without which the Authority would not be able to benefit from the necessary expertise in a balanced fashion,

*Decides* that:

(a) The voluntary trust fund should be continued. The purpose of the fund is to defray the costs of participation of members of the Legal and Technical Commission and the Finance Committee from developing countries;

(b) The voluntary trust fund is funded by voluntary contributions from members and observers of the Authority. The fund is also open to contributions from others, including other States, contractors with the Authority, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private individuals;

(c) The terms and conditions for the use of the fund will be as follows:

(i) A formal request by the Government that nominated the member must be made to the Secretary-General of the Authority no later than three months in advance of the opening of the meeting;

(ii) Priority should be given to members from least developed countries;

(iii) Where relevant, consideration should be given to the continuity in attendance of the member at prior meetings;

(iv) Airfare costs shall be for economy class travel. Where special needs justify an exception, this shall be reported to the Finance Committee;

(v) In considering all applications received, if the balance of the voluntary trust fund is insufficient to fund all requests, other appropriate measures may be undertaken by the Secretary-General to prioritize the disbursement of available funds;

(vi) The Secretary-General should inform the Government concerned of the outcome of the request no later than two months in advance of the opening of the meeting;

(d) The Secretary-General shall report to the Committee annually on the use and status of the fund. The Committee intends to continue to review the use and status of the fund in the light of the Secretary-General's reports.



## Council

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15 August 2017

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### Twenty-third session

Kingston, 7-18 August 2017

Agenda item 12

### Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-third session

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

*The Council of the International Seabed Authority,*

*Recalling its decision [ISBA/22/C/28](#),*

1. *Takes note with appreciation* of the report of the Chair of the Legal and Technical Commission on the work of the Commission during the twenty-third session;<sup>1</sup>
2. *Notes with appreciation* the Commission's readiness to respond to the outcomes of the Assembly's consideration of the final report on the periodic review of the Authority pursuant to article 154 of the United Nations Convention on the Law of the Sea;<sup>2</sup>
3. *Welcomes* the continued work of the secretariat and the Commission on the exploitation regulations, in particular the development of a single set of draft regulations dealing with exploitation, a mining inspectorate and environmental matters, and requests that work on the regulations continue as a matter of priority;
4. *Notes* the development of a road map for the adoption and approval of the regulations, as set out in the annex to the report of the Chair of the Commission, while noting that the proposed timeline will be subject to the Assembly's consideration of the proposed revised schedule of meetings set out in annexes I and II to the report of the Secretary-General on the recommendations contained in the final report on the periodic review of the Authority;<sup>3</sup>
5. *Requests* that both the Commission's recommendations regarding the current draft regulations and the next iteration of the draft regulations be circulated in sufficient time prior to the next meeting of the Council to allow for substantive

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<sup>1</sup> [ISBA/23/C/13](#).

<sup>2</sup> [ISBA/23/A/3](#).

<sup>3</sup> [ISBA/23/A/5/Rev.1](#).



consideration and discussion, and emphasizes the need for openness and transparency;

6. *Requests* the Commission to consider, as appropriate, the submission by the Netherlands entitled “Development of environmentally responsible mining technologies: towards an approval process for mining equipment”,<sup>4</sup> in the context of its work on the draft regulations;

7. *Acknowledges* that the contractors have implemented training programmes and allocated further training opportunities, and notes with satisfaction that the dedicated training officer provided for in the budget for the financial period 2017-2018 has been recruited and was in post as at 1 July 2017;

8. *Reiterates* the importance of appendix I, paragraph 1, of the decision contained in document [ISBA/21/C/19](#) relating to information to be contained in an application for extension of a contract for exploration;

9. *Notes* the substantive consideration given to a single application for extension of a contract for exploration, especially consideration of whether the contractor made efforts in good faith to comply with the requirements of the contract for exploration but, for reasons beyond the contractor’s control, was unable to complete the preparatory work necessary for proceeding to the exploitation stage, or if the prevailing economic conditions did not justify proceeding to the exploitation stage, in accordance with paragraph 9 of section 1 of the annex to the 1994 Agreement and [ISBA/21/C/19](#);

10. *Also notes* the substantive consideration given to a single application for approval of a plan of work for exploration;

11. *Notes with appreciation* the Commission’s consideration of 23 annual reports on activities carried out by contractors in 2016 and, in particular, the increase in the quality of the reports, along with the digital delivery of the requested data in Excel format, and notes with concern the identification of some cases of non-compliance with reporting requirements;

12. *Requests* that the Secretariat and/or the Commission provide further details on cases of non-compliance in circumstances in which the relevant contractor has not complied with a specific request in a letter received from the Secretary-General, including details regarding the relevant contractor, details with respect to repeated instances of non-compliance and recommendations to ensure compliance in the future, to enable the Council to discharge its functions under article 162(2) of the Convention;

13. *Urges* all contractors to comply with their reporting requirements and to make their environmental data readily and publicly available, noting that the Authority needs all contractors to collect samples consistently and to fully report environmental data to support the development of regional environmental management plans;

14. *Takes note* of the reports of the environmental workshop held in Berlin in March 2017 and of the payment regime workshop held in Singapore in April 2017;

15. *Notes* that a technical workshop on the criteria for the selection of impact reference zones and preservation reference zones will be held in Berlin from 27 to 29 September 2017 and that a second workshop, dedicated to the review of the status of implementation of the environmental management plan for the Clarion-Clipperton Zone, will be held during the first half of 2018, and encourages the

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<sup>4</sup> [ISBA/23/C/5](#).

secretariat to work closely with the Commission to ensure the broadest participation of all concerned States parties and other stakeholders;

16. *Encourages* the Secretariat and the Commission to make progress on the development of environmental management plans in other international seabed area zones, in particular where there are currently exploration contracts, recalling paragraph 60 of General Assembly resolution [70/235](#) of 23 December 2015;

17. *Welcomes* the secretariat's progress towards the implementation of the data management strategy of the Authority, and notes that it is anticipated that it will be fully implemented by the end of October 2018;

18. *Notes* that, owing to the heavy workload of the Commission and time constraints, the Commission was unable to discuss other matters referred to it by the Council, and 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, including monopolization, effective control and abuse of dominant positions;

19. *Welcomes* the report of the Secretary-General on the implementation of the decision of the Council in 2016 relating to the report of the Chair of the Commission,<sup>5</sup> and notes that this is the first such report of the Secretary-General;

20. *Requests* the Secretary-General to update the Council on the implementation of the present decision at its twenty-fourth session, in 2018, and that such an annual update remain on the Council's agenda as a standing item.

*230th meeting  
14 August 2017*

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<sup>5</sup> [ISBA/23/C/8](#).



## Council

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5 September 2017

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**Twenty-third session**  
Kingston, 7-18 August 2017

### **Summary report of the President of the Council of the International Seabed Authority on the work of the Council during its twenty-third session**

1. The twenty-third session of the Council of the International Seabed Authority was held in Kingston from 8 to 14 August 2017.

#### **I. Adoption of the agenda**

2. At its 223rd meeting, on 8 August 2017, the Council adopted the agenda for the present session ([ISBA/23/C/1](#)).

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

3. At the same meeting, the Council elected Ariel Fernández (Argentina) as President of the Council for the twenty-third session. Subsequently, following consultations of the regional groups, the Council elected the representatives of Algeria (African States Group), Singapore (Asia-Pacific States Group), Poland (Eastern European States Group) and Canada (Western European and other States Group) as Vice-Presidents.

#### **III. Report of the Secretary-General on the credentials of members of the Council**

4. At the 228th meeting, on 11 August, the Secretary-General of the Authority informed the Council that formal credentials issued by the Heads of State or Government, Ministries for Foreign Affairs or by persons authorized by the Ministers had been received from the following 28 members of the Council: Algeria, Argentina, Australia, Bangladesh, Brazil, Cameroon, Canada, Chile, China, Côte d'Ivoire, Czechia, France, Ghana, India, Jamaica, Japan, Mexico, Netherlands, Panama, Poland, Republic of Korea, Russian Federation, Singapore, South Africa, Spain, Tonga, Trinidad and Tobago and United Kingdom of Great Britain and Northern Ireland. Five letters of credentials had also been submitted by facsimile or in the form of initialled notes verbales from ministries, embassies, permanent





missions to the United Nations, permanent missions to the International Seabed Authority and other government offices or authorities from Fiji, Germany, Indonesia, Nigeria and Uganda.

5. In accordance with rule 18 of the Rules of Procedures of the Council, credentials had been submitted by the European Union and the following 25 members of the Assembly who were not members of the Council but entitled to participate in its meetings, pursuant to rule 74 of its Rules of Procedure, namely, Antigua and Barbuda, Belgium, the Cook Islands, Cuba, Ecuador, Egypt, Guyana, Kenya, Kuwait, Lebanon, Morocco, Mozambique, Myanmar, Nauru, New Zealand, Norway, Oman, Pakistan, the Philippines, Portugal, Saudi Arabia, Senegal, Thailand, Togo and Tuvalu.

#### **IV. Election to fill vacancies on the Legal and Technical Commission**

6. At its 223rd meeting, the Council elected Gastón Fernández Montero (Chile), Alonso Martínez Ruiz (Mexico) and Piotr Nowak (Poland) to fill the vacancies on the Legal and Technical Commission left by the resignation of Montserrat González Carrillo (Chile), Alfonso Ascencio-Herrera (Mexico) and Ryszard Andrzej Kotliński (Poland), respectively, for the remainder of their terms (see [ISBA/23/C/3](#)).

#### **V. Report of the Secretary-General on the status of contracts for exploration and related matters**

7. At its 224th meeting, on 9 August, the Council took note of the report of the Secretary-General on the status of contracts for exploration and related matters ([ISBA/23/C/7](#)).

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

8. Also at its 224th meeting, the Council considered the report of the Secretary-General on the status of national legislation relating to deep seabed mining and related matters ([ISBA/23/C/6](#)). The Council noted that, since the twenty-second session, France, Georgia, Kiribati, Nauru and the Netherlands had submitted information on their national legislation related to deep seabed mining. The delegations of China, Indonesia and the Republic of Korea referred to legislative processes and administrative developments on which they would report in due course, while the delegation of Fiji provided an update on its 2013 legislation. Reference was made to existing sources of model legislation and to the fact that the adoption of legislation, regulations and administrative measures was a due diligence obligation for States to discharge in accordance with their own legal systems. The Council requested the Secretary-General to provide a report on the status of national legislation relating to deep seabed mining and related matters at its twenty-fourth session.

## **VII. Report of the Secretary-General on the implementation of the decision of the Council in 2016 relating to the summary report of the Chair of the Legal and Technical Commission**

9. The Council took note of the report of the Secretary-General on the implementation of the decision of the Council in 2016 relating to the summary report of the Chair of the Legal and Technical Commission ([ISBA/23/C/8](#)). The Council expressed its satisfaction with the content and structure of the report and welcomed it as a means of increasing the transparency of the work of the Secretariat, assessing the implementation of decisions and building institutional memory. The Council requested the submission of a similar report at its twenty-fourth session and the addition of the matter as a standing item to its agenda.

## **VIII. Consideration, with a view to approval, of an application for approval of a plan of work for exploration for polymetallic sulphides in the Area by the Government of Poland**

10. At its 225th meeting, on 10 August, the Council considered the report and recommendations of the Legal and Technical Commission relating to an application for approval of a plan of work for exploration for polymetallic sulphides by the Government of Poland ([ISBA/23/C/11](#)).

11. Acting on the recommendation of the Commission, the Council approved the application and requested the Secretary-General to issue the plan of work in the form of a contract between the Authority and the Government of Poland (see [ISBA/23/C/14](#)). The delegation of Poland expressed its appreciation for the efficient process that had led to the approval of its application.

## **IX. Consideration, with a view to approval, of the application for a five-year extension of the contract for exploration for polymetallic nodules between the Government of India and the Authority**

12. Also at its 225th meeting, the Council considered the report and recommendation of the Legal and Technical Commission relating to an application for a five-year extension of the contract for exploration for polymetallic nodules between the Government of India and the Authority ([ISBA/23/C/9](#)).

13. Acting on the recommendations of the Commission, the Council approved the application for a five-year extension of the contract for exploration for polymetallic nodules between the Government of India and the Authority and requested the Secretary-General to execute the extension with effect from 25 March 2017 (see [ISBA/23/C/15](#)). The delegation of India expressed its satisfaction with the effectiveness of the procedure for considering its application and recalled its long-term involvement in exploration for polymetallic nodules in the Indian Ocean.

## **X. Report of the Chair of the Legal and Technical Commission on the work of the Commission**

14. On 11 August, the Chair of the Legal and Technical Commission introduced his report on the work of the Commission ([ISBA/23/C/13](#)). The Council expressed

its appreciation for the hard work of the Commission and commented mostly on the activities of contractors, the development, as a priority, of environmental management plans and the review of the environmental management plan for the Clarion-Clipperton Fracture Zone. The Council also commended the Commission on the significant progress made with regard to the draft regulations on the exploitation of mineral resources in the Area. In particular, the Council welcomed the transparency and the continued involvement of stakeholders in the development of the draft regulations (see section XIII below). The Council also echoed the satisfaction of the Commission with the progress made towards the implementation of the data management strategy of the Authority.

15. The deliberations of the Council on the report of the Chair of the Commission are reflected in decision [ISBA/23/C/18](#) of the Council.

## **XI. Report and recommendations of the Finance Committee**

16. On 10 August, the Chair of the Finance Committee presented the report of the Committee ([ISBA/23/A/8-ISBA/23/C/10](#)). The Council expressed its satisfaction with the quality of the report. The Council shared the Committee's concerns regarding the unsustainable level of the voluntary trust fund, which would compromise the operation of the fund beyond 2018. In that respect, the Council further amended the Committee's proposed revision to the criteria for the management and use of the fund. The Council welcomed the cost-saving measures but stressed the need to maintain the quality of interpretation services. The Council also noted that consultations would take place to discuss the overhead charges paid by contractors.

17. At its 228th meeting, the Council, acting on the recommendation of the Finance Committee, adopted a decision relating to financial and budgetary matters ([ISBA/23/C/17](#)).

## **XII. Revisions to the staff regulations of the Authority**

18. At its 225th meeting, on 10 August, the Council considered proposed amendments to the staff regulations of the Authority as a consequence of the revisions to the Staff Regulations of the United Nations, on which the former are based (see [ISBA/23/C/4](#)).

19. In the light of the above, the Council decided to adopt and apply provisionally, pending approval by the Assembly, the revisions to the staff regulations of the Authority, as set out in the annex to decision [ISBA/23/C/16](#) of the Council.

## **XIII. Draft regulations for exploitation of mineral resources in the Area**

20. The Council was informed that the consolidated draft regulations on the exploitation of mineral resources in the Area, which had been prepared by the Secretariat, a note on the process undertaken ([ISBA/23/C/12](#)) and a proposal by the delegation of the Netherlands ([ISBA/23/C/5](#)) were available on the website of the Authority. Reference was also made to a list of questions that stakeholders could consider in the preparation of their submissions (see [ISBA/23/C/12](#), annex).

21. Further to the general comments on the draft regulations on the exploitation of mineral resources in the Area made in the context of the report of the Chair of the

Legal and Technical Commission, the Council commended the Commission for its work on the draft regulations and on the road map towards their adoption (see [ISBA/23/C/13](#), annex). The Council also welcomed the circulation of the draft regulations to stakeholders and encouraged them to make submissions by 17 November 2017, and no later than 31 December 2017. The Council also thanked the Commission for its dedicated work to make progress in the development of the draft regulations, from the initial skeletal framework in 2015 to the current 107-page document.

22. A large number of delegations made preliminary comments on the process, structure and content of the draft regulations and the road map, acknowledging that they were a work in progress. It was underlined that adequate time and resources would be needed for the realization of each step that had been described in the road map. Regarding the process, all delegations underlined that transparency and continuous engagement with a wide array of stakeholders were key elements for the development of the regulations as a priority in the work of the Authority. A suggestion was also made to hold the twenty-fourth of the Council prior to that of the Legal and Technical Commission in order for the Council to be able to provide the Commission with additional comments. In that regard, it was further noted that the deliberations of the Assembly concerning a possible revision to the schedule of meetings would have an impact on the road map and cost-effectiveness of the process towards the adoption of the regulations.

23. With respect to the structure of the draft regulations, it was noted with satisfaction that the regulations had been consolidated into a single set, to which further improvements could be made to provide a more logical flow. It was pointed out that it remained important to determine how the environmental and directorate regulations and the financial mechanism would be integrated into the overall framework of the draft regulations. It was also noted that further work would be required to develop financial mechanisms.

24. Several views were expressed relating to the need to incorporate appropriate mechanisms for taking action to protect the marine environment as well as environmental and technological best practices. It was also mentioned that the provisions on dispute settlement in the draft regulations must conform with the dispute settlement provisions of the United Nations Convention on the Law of the Sea. Several delegations were of the view that further work would be needed to ensure a balance between rights and obligations and between economic development and environmental protection, and to provide regulatory certainty regarding, for example, the date of commercial production. References were also made to the use of existing land-based mining and oil regimes to further the development of the regulations.

25. Lastly, the Council requested the Commission to consider the submission by the Netherlands, in the context of its work on the draft regulations (see [ISBA/23/C/18](#), para. 6).

#### **XIV. Report of the Secretary-General on the election of members of the Legal and Technical Commission**

26. The Council discussed on the report of the Secretary-General on the election of members of the Legal and Technical Commission ([ISBA/23/C/2](#)).

27. Several views were expressed, mostly with respect to the size of the Commission, the geographical distribution of membership and the range of expertise for the cost-effective exercise of functions and the representation of

special interests. It was stated that there was a need for predictability in the composition of the Commission, a cap on its size and a range of expertise relevant to the plan of work of the next Commission. It was recalled that, in 2016, the Council had decided that, by no later than the twenty-fifth session of the Authority, the Council would reach a clear and binding decision on a process to govern subsequent elections of members to the Commission. It was also noted that, given the time of its writing, the report of the Secretary-General could not include a consideration of the functioning of the Commission with its current membership of 30. It was also reiterated that the procedures for election, as set out in the decision of the Council on the future size and composition of the Commission and the process for future elections (see [ISBA/13/C/6](#)), should be strictly observed and no late candidacies would be accepted.

28. A joint proposal by the African Group and the Latin American and Caribbean Group was considered but no consensus was reached. It was thought to be premature to come to a decision at the present session of the Authority. The joint proposal would be further considered prior to the next election of the Commission. It was requested that the joint proposal be incorporated into a conference room paper ([ISBA/23/C/CRP.1](#)). The Council also requested the Secretary-General to prepare an updated report on the cost-effectiveness of its current membership and a comparison between the 30-member Commission and the memberships of the Commission after the previous three elections.

## **XV. Dates of the next session of the Council**

29. The Secretariat stated that the dates for the twenty-fourth session of the Council would be announced in due time. It would be the turn of the Western European and other States Group to nominate a candidate for the presidency of the Council in 2018.

## **XVI. Other matters**

30. The President of the Council closed the session on 14 August.

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## 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 twenty-second session (2016). The documents and indexes are also available in electronic format on the Authority's website at [www.isa.org.jm](http://www.isa.org.jm).

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

### **Title/Document number/Citation (*Selected Decisions*)**

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Decision of the Council requesting the advisory opinion: ISBA/16/C/13; **16**, 108-109

Proposal submitted by the delegation of Nauru: ISBA/16/C/6; **16**, 96-101

Report of the Secretary-General: ISBA/17/C/6-ISBA/17/LTC/5; **17**, 33-38

#### **ARTICLE 82 OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA**

##### **Outcomes of the Workshop**

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#### **ARTICLE 154 OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA**

##### **Periodic Review**

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###### **Deep Ocean Resources Development Co. Ltd.**

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##### **Marawa Research and Exploration Ltd.**

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**Government of the Republic of Korea**

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