



International Seabed Authority 28th Session 2023

Information Note on matters for consideration by the Council of the International Seabed Authority during the first part of the twenty-eighth session of the Authority (16-31 March 2023)

I. Introduction

1. As scheduled in the roadmap for the twenty-eighth session of the Council of the International Seabed Authority in 2023, which the Council endorsed at its last meetings in November 2022 (ISBA/27/C/21/Add.2, Annex II), the twenty-eighth session of the Council will be held in three parts. For the first part (Part I session) of the session, the Council will hold twelve meetings from 16 to 31 March 2023, immediately after the 7 day-meetings of the Legal and Technical Commission. The second part of the session of the Council (Part II session) is scheduled to be held from 10 to 21 July 2023 while the third part (Part III session) is scheduled to take part from 30 October to 8 November 2023.

2. The purpose of this note is to inform members and observers of the International Seabed Authority on matters for consideration by the Council at its forthcoming Part I session. It is also recalled that in accordance with the system agreed upon for the allocation of seats among regional groups at the first session of the Council, it is the turn of the Western European and Other States Group to designate a member of the Group to participate in the meetings of the Council without the right to vote during the twenty-eighth session.

3. This note provides an overview of the items of the [provisional agenda of the Council](#) (ISBA/28/C/L.1) for consideration at the Part I session in March. The provisional agenda and the [indicative programme of work](#) have been placed on the Authority's website. All official documents prepared for the upcoming meetings are placed on the website as they become available.

4. This note is to be read in conjunction with the note on logistical and procedural aspects, including modalities for the in-person meetings.¹ Pre-session documents for the informal working groups and those for the President's text are also grouped for ease of reference on the webpage for the twenty-eighth session and can be found under the section "Council" and then on the right side menu under "Part I (16-31 March 2023)" (<https://www.isa.org.jm/session-28-council-part-1/>). All submissions from delegations and observers have been uploaded within the respective folders of the informal working groups.

II. Adoption of the agenda (item 2 of the provisional agenda)

5. The Council will open its session on Thursday 16 March 2023. The first decision of the Council will be the adoption of its agenda for the entire twenty-eighth session in 2023. For this Part I

¹ https://www.isa.org.jm/wp-content/uploads/2023/02/Information_on_logistical_procedural_aspect.pdf

session, a total of 10 items out of 19 currently listed on the provisional agenda of the Council will be considered by the Council as indicated on the indicative programme of work.²

III. Elections of the bureau (items 3 and 4 of the provisional agenda)

6. Following the adoption of the agenda, the Council will proceed with the election of the bureau. Pursuant to rule 22 of the Rules of Procedure of the Council, each year at its first regular session, the Council elects a President and four Vice-Presidents from among its members, so that each regional group is represented by one officer.

7. Members of the Council are reminded that for the twenty-eighth session, it is the turn of the Group of Latin American and Caribbean States (GRULAC) to nominate a candidate for the presidency of the Council in 2023. In this regard, on behalf of the Chair of the GRULAC, and the Permanent Mission of the Republic of Costa Rica to the International Seabed Authority, the Secretariat has been informed by Diplomatic Note GRULAC-JM-01-007-23 dated 17 January 2023 that GRULAC has nominated His Excellency Juan José González Mijares, Ambassador of Mexico in Jamaica and Permanent Representative of Mexico to the International Seabed Authority, as the group's candidate to serve as President of the Council of for the twenty-eighth session.

8. Concerning the nomination for vice-presidencies, it would be very helpful to the Secretariat, and also so as to facilitate the smooth running of the opening session, if regional groups could coordinate on the candidate nominations for these positions in advance of the opening of the session of the Council, and to provide this information to the secretary of the Council, Gwenaëlle Le Gurun at glegurun@isa.org.jm at the earliest available opportunity.

IV. Credentials (item 5 of the provisional agenda)

9. Among the standing item of business for the Council is the report on credentials of members of the Council. The Secretary-General will provide an oral report on the credentials of members of the Council.

V. Status of contracts for exploration and related matters (item 7 of the provisional agenda)

10. Another standing item for consideration by the Council is the report on status of contracts for exploration . The report is contained in document [ISBA/28/C/3](#).

VI. Consideration of matters relating to the Enterprise (item 12 of the provisional agenda)

11. The Council will receive a follow-up by the Special Representative of the Secretary-General for the Enterprise to the previous report which was submitted to the Council during the twenty-seventh session of the Authority, on the basis of the decision of the Council of 10 December 2021 to extend the mandate of the Special Representative until the end of the twenty-seventh session. The Special Representative of the Secretary-General for the Enterprise's follow-up report is contained in the document [ISBA/28/C/2](#).

12. During the last meeting in November 2022, the representative of the African Group introduced a draft decision relating to the appointment of an interim director general of the Enterprise, indicating that it would be tabled for adoption at the next meeting of the Council. As reflected in the roadmap on the organization of work for the Council in 2023, the Council is now invited to consider the Draft decision of the Council of the International Seabed Authority relating to

² <https://www.isa.org.jm/wp-content/uploads/2023/03/ISBA28-Council-IPW-Rev.1.pdf>

the appointment of an interim director general of the Enterprise. This is contained in the document [ISBA/28/C/L.2](#).

VII. Draft regulations on exploitation of mineral resources in the Area (item 10 of the provisional agenda)

13. The Council will continue its consideration of the Draft regulations on exploitation of mineral resources in the Area ([ISBA/25/C/WP.1](#)), as a matter of priority. As agreed during the meeting in November 2022 for the organization of its discussion in 2023, the Council will implement the roadmap for the work on the draft regulations during the twenty-eighth session, including the dates when each informal working group is expected to convene ([ISBA/27/C/21/Add.2, Annex](#)).

14. Consideration of the Draft regulations will be undertaken mostly in an informal setting to progress the work and this will be conducted in the informal working groups. It is recalled that there will be no meeting of these groups in parallel. At this stage of the negotiation, the Council and its working groups are encouraged to work in small groups to assist the working groups in formulating text-based consensus to the Council.

15. The seventh meeting of the Open-ended Working Group in respect of the development and negotiation of the financial terms of a contract under article 13, paragraph 1, of annex III to the United Nations Convention on the Law of the Sea and section 8 of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (OEWG) is scheduled for 16 and 17 March 2023. The Chair, His Excellency Olav Myklebust (Norway), has prepared a [briefing note](#) (see ISBA/28/C/OEWG/CRP.1) that outlines his proposed structure of the meetings. As agreed in November 2022, the Chair of the OEWG has also prepared a revised draft text ([‘Chair’s revised text’](#)) for continued consideration. This is contained in the document ISBA/28/C/OEWG/CRP.2.

16. The fourth meeting of the Informal Working Group on the Protection and Preservation of the Marine Environment will convene from 20 until 22 March 2023. The Facilitator, Raijeli Taga (Fiji), has prepared a further revised draft text ([‘the Facilitator’s further revised text’](#)) for continued negotiations. This is contained in the document ISBA/28/C/IWG/ENV/CRP.1.

17. The fourth meeting of the Informal Working Group on Inspection, Compliance and Enforcement is scheduled on 23 and 24 March 2023. The Facilitator, Maureen Tamuno (Nigeria), has prepared a further revised draft text ([‘the Facilitator’s further revised text’](#)) for continued negotiations. This is contained in the document ISBA/28/C/IWG/ICE/CRP.1.

18. The fourth meeting of the Informal Working Group on Institutional Matters will convene from 27 until 29 March. The Co-Facilitators Gina Guillen-Grillo (Costa Rica) and Constanza Figueroa Sepulveda (Chile) have prepared a revised text. This will be released shortly under the symbol ISBA/28/C/IWG/IM/CRP.1.

19. A compilation of the [President’s text](#) has been prepared and is contained in the document ISBA/28/C/WOW/. The reading of the President’s text will resume from draft regulation 31.

20. In addition, during the meetings in November 2022, several participants offered to work in smaller groups to make further progress and provide a consensus-based text on relevant matters under negotiations, including on a standardized approach for stakeholder consultation. The outcomes of intersessional work will be presented. Further guidance will be provided by the President, the Chair and the Facilitators.

Intersessional work

21. Pursuant to the Decision of the Council of the International Seabed Authority relating to the possible scenarios and any other pertinent legal considerations in connection with section 1, paragraph 15, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea (see [ISBA/27/C/45](#)), Hugo Verbist (Belgium) and Soo-Tet Tan (Singapore) facilitated an intersessional dialogue on this matter.

22. The Co-Facilitators will brief the Council on the informal dialogue that occurred intersessionally, including during the webinar that they co-chaired on 8 March 2023 on this matter.

VIII. Operationalization of the Economic Planning Commission (item 13 of the provisional agenda)

23. After having welcomed the report on the operationalization of the Economic Planning Commission, including its financial implications ([ISBA/27/C/25](#)), the Council decided to keep the matter under review at the twenty-eighth session.

IX. Report of the Chair of the Legal and Technical Commission (item 14 of the provisional agenda)

24. The Council will receive an interim report on the work carried out by the newly composed Legal and Technical Commission during its meetings immediately prior to the Part I session of the Council. Subsequently, the Council will consider and take action on any specific recommendations made by the Commission.

25. An addendum to the Chair's report on the work of the Legal and Technical Commission will be issued at the end of the Commission's July meetings. As it has become the practice, the Council may adopt a decision on matters raised in those reports afterwards.

9 March 2023