



International Seabed Authority 28th Session 2023

Information note on matters for consideration by the Council of the International Seabed Authority during the second part of the twenty-eighth session of the Authority (10-21 July 2023)

I. Introduction

1. As scheduled in the roadmap for 2023 (ISBA/27/C/21/Add.2, Annex II), the second part of the twenty-eighth session of the Council will be held from 10-21 July 2023. The Council will meet immediately after the meetings of the Legal and Technical Commission (28 June to 7 July) and immediately prior to the meeting of the Assembly (24-28 July). The purpose of this note is to inform members of the Council as well as observers of the matters for consideration by the Council.

II. Resumption of the session

2. At the first part of the session in March 2023, the Council adopted its agenda (ISBA/28/C/1) and elected Juan Gonzalez Mijares (Mexico) as President of the Council. Ghana (African States), Canada (Western European and other States) and the Republic of Korea (Asia Pacific States) were elected as Vice-Presidents. It is the turn of WEOG to designate a member of the Group in the Council to participate in the meetings of the Council without the right to vote.

3. The indicative programme of work (IPW) for Part II of the session is attached to this information note and will also be available on the Authority's website. Delegations are invited to note that the IPW is based on the road map agreed for the twenty-eighth session (ISBA/27/C/21/Add.2) and on the outcomes of the first part of the session (ISBA/28/C/11), taking into account the availability of the facilitators as indicated to the secretariat as well as the forecast availability of the reports of the Finance Committee and Legal and Technical Commission. These factors reduce considerably the possibility of adjustments to the IPW. Immediately after the resumption of the session, the OEWG will meet. The next Plenary session is scheduled for Friday 14 July.

III. RESUMED CONSIDERATION OF THE DRAFT REGULATIONS ON EXPLOITATION OF MINERAL RESOURCES IN THE AREA (Agenda item 10)

4. As a matter of continued priority, the Council will resume its consideration of the Draft regulations on exploitation of mineral resources in the Area as contained in document ISBA/25/C/WP.1. As agreed during the meeting in November 2022, the Council will continue to implement the roadmap for 2023 and build on the progress made during its March 2023 meetings and intersessionally to advance its deliberations. In this regard, the Council had agreed on specific areas for intersessional work in smaller groups with a view to reconciling divergent views on pending issues. The facilitators of these informal groups are invited to provide information on the outcomes of their discussions and any proposed new text to the President and facilitators as appropriate.

5. Most of the work of the Council will continue through meetings of the working groups in an informal setting, as scheduled in the roadmap. At this stage of the negotiation, the Council and its

working groups are encouraged to continue to work in small groups to elaborate text-based consensus as recommendations to the Council for consideration.

6. The Open-ended Working Group of the Council on 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 under 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) will hold its eighth meeting on 10 and 11 July. The OEWG will be provided with a Chair's further revised text. The OEWG will also consider the outcomes of intersessional work on two conceptual issues, namely: a mechanism to develop equalization measures and the issue of tax or levy on transfer of rights under a contract for exploitation.

7. The Informal Working Group on the preservation and protection of the marine environment (IWG-ENV) will hold its fifth meeting for one and a half days on 12 and 13 July. The facilitator, Raijeli Taga (Fiji), is preparing a third revised facilitator's text for continued negotiations.

8. The Informal Working Group on inspection, compliance and enforcement (IWG-ICE) will meet for 1 day on 13 and 14 July. The facilitator, Maureen Tamuno (Nigeria), is preparing a third revised facilitator's text for continued negotiations.

9. The Informal Working Group on institutional matters (IWG-IM) will convene its fifth meeting for two days from 17-19 July 2023. The co-facilitators Gina Guillen-Grillo (Costa Rica) and Salvador Vega (Chile) are preparing a refreshed text for continued negotiations.

10. The Council will consider the President's text on 19 and 20 July. A revised and streamlined text will be provided ahead of the meeting.

11. In March 2023, the Council adopted a decision relating to the understanding and application of 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 (ISBA/28/C/9). The Council decided to continue the informal intersessional dialogue with a view to continuing making progress in the areas of divergence. The Council also decided on the modalities of the dialogue and re-appointed Hugo Verbist (Belgium) and Soo Tet Tan (Singapore) as co-facilitators. The co-facilitators intend to organize a webinar during the week of 29 May 2023 and further detail will be provided in due course.

12. The co-facilitators will prepare and present to the Council a briefing note on the outcomes of the informal intersessional dialogue for consideration by the Council in July during the time allocated for that purpose, as decided by the Council, with a view to adopting a decision.

IV. OTHER AGENDA ITEMS REQUIRING CONSIDERATION BY THE COUNCIL, INCLUDING STANDING AGENDA ITEMS

A. Report of the Secretary-General on the status of national legislation relating to activities in the Area and related matters (Agenda item 9)

13. The Secretary-General will present a report on the status of national legislation relating to activities in the Area and related matters. This has been a standing item on the agenda of the Council since 2012. The Council will be invited to take note of the report.

B Report of the Secretary-General on the implementation of the decision of the Council in 2022 relating to the reports of the Chair of the Legal and Technical Commission (Agenda item 11)

14. This is a standing item on the agenda of the Council. The Council adopted a decision relating to the reports of the Chair of the Legal and Technical Commission in November 2022 (ISBA/27/C/44). As requested in operative paragraph 26 of that decision, the Secretary-General will present a report on the implementation of the decision. The Council is invited to take note of the report and to provide such guidance as may be necessary.

C. Consideration of matters relating to the Enterprise (Agenda item 12)

15. During the first part of the session, the Council adopted a decision relating to the establishment of the position of an interim director general of the Enterprise (ISBA/28/C/10). In that decision, the Council requested the Secretary-General to submit to the Council a supplementary budget proposal in accordance with financial regulations 3.8 and 3.9 in an amount not exceeding USD \$641,301 for the financial period 2023–2024 to cover the costs of the interim director general as reflected in the original proposed budget, for consideration at the second part of the twenty-eighth session, in July 2023. The supplementary budget proposal has been circulated under symbol ISBA/28/A/3-ISBA/28/C/12. In addition, the Council had requested the Finance Committee to consider expeditiously the supplementary budget proposal submitted by the Secretary-General and to report to the Council on the financial and budgetary implications of the proposal as well as its assessment of the Secretary-General's justifications explaining why any of the proposed costs cannot be covered by the existing budget of the Authority, no later than the second part of the twenty-eighth session. It is therefore proposed in the IPW that the Council resumes consideration of this item in the context of the report of the Finance Committee (see F below).

D. Operationalization of the Economic Planning Commission (Agenda item 13)

16. During the twenty-seventh session, the Council welcomed a report concerning the operationalization of the Economic Planning Commission, including its financial implications (ISBA/27/C/25) and requested to keep this item under review at the twenty-eighth session of the Council (ISBA/27/C/44).

E. Report of the Legal and Technical Commission the work of the Commission at its twenty-eighth session (Agenda item 14)

17. The Legal and Technical Commission will hold the second part of its meeting from 28 June to 7 July. The Chair of the Commission will be invited to present his report on the work of the Commission to the Council on 20 July, including an addendum to the report of the Chair of the Legal and Technical Commission on the work carried out during the first part of the session (ISBA/28/C/5). In accordance with the practice that has developed, the Council may wish to adopt a decision relating to the reports of the Chair of the Commission and may wish to consider and take action on any specific recommendations made by the Commission.

F. Report of the Finance Committee (Agenda item 15)

18. The Council will be invited to consider the report and recommendations of the Finance Committee (which meets from 5-7 July) and make its recommendations to the Assembly. Among the matters for consideration by the Finance Committee are the supplementary budget proposal relating to the Enterprise, and the further development of rules, regulations, and procedures relating to the equitable sharing of financial and other economic benefits derived from activities in the Area, including distributions under Article 82(4) of the Convention.

G. Report on proposed amendments to the statute of the International Civil Service Commission (Agenda item 16)

19. Under this item, the Council will receive a report on proposed amendments to articles 10 (b) and 11 (c) of the statute of the International Civil Service Commission (ICSC) and is invited to recommend to the Assembly to accept the proposed amendments to the Statute. These proposed amendments result from the decision of the Fifth Committee of the United Nations General Assembly contained in document A/C.5/77/L.5 and are aimed at streamlining the role of the ICSC and the General Assembly in determining post adjustments for duty stations. It is necessary for the proposed amendments to be accepted by each organization subscribing to the Statute of the ICSC.

V. Documentation, logistics and procedural matters

20 All official documents for the part II of the session will be placed on the Authority's website as they become available. Pre-session documents for the informal working groups of the Council and relating to the President's text will also be published as soon as they become available and will be grouped for ease of reference on the webpage for the twenty-eighth session under the section "Council" and then on the right side menu under "Part II (10-21 July 2023) (<https://www.isa.org.jm/session-28-council-part-2/>).

21. Submissions from delegations and observers (for which the cut-off date for submissions is 15 May 2023) will be uploaded within the respective folders of the informal working groups.

22. Closer to July, the IPW will be further updated with hyperlinks to documents and materials of the different working groups of the Council.

23. This note will be supplemented in due course by an information note on logistical and procedural aspects relating to the meetings of the Council and the Assembly.

VI. Dates of the next session (Agenda item 18)

24. The third part of the twenty-eighth session will be held from 30 October to 8 November 2023 at the Jamaica Conference Centre, Kingston.

1 May 2023