



Contribution to the report of the Secretary-General on oceans and the law of the sea, pursuant to UNGA resolution 72/73 of 5 December 2017, entitled 'Oceans and the law of the sea'

Twenty-fourth session of the Authority

1. The twenty-fourth session of the Authority is divided into two parts: 5-23 March and 2-27 July 2018. For the first part, the Council met from 5 to 9 March, followed by the Legal and Technical Commission meetings from 12 to 23 March. For the second part, the Commission will meet from 2 to 13 July, and the Finance Committee will meet from 9 to 12 July. A joint meeting between the Legal and Technical Commission and the Finance Committee will take place on 13 July, in response to the Council's request that the Legal and Technical Commission should collaborate with the Finance Committee on matters connected to benefit-sharing, as well as issues related to the draft exploitation regulations, particularly on administrative fees. The Council will meet from 16 to 20 July, followed by the Assembly meetings from 23 to 27 July. During the Assembly meetings, an election for the Council members will be conducted for the period 2019-2022. In addition, the Council and the Assembly, based on the recommendations of the Finance Committee, will consider and approve the budget for the biennium 2019-2020, together with the scale of assessments.

Development of the Mining Code

2. The Authority continues its work on the development of the Mining Code as a priority matter. In August 2017, the Secretariat circulated the Draft Regulations on Exploitation for Mineral Resources in the Area for global stakeholder consultation between August and December 2017.¹ A total of 55 stakeholder submissions were received, which include 18 submissions from member States and one from the African Group. At the first part of the twenty-fourth session, in March 2018, the Council undertook its first substantive consideration of the draft regulations by addressing a number of common themes arising from the submissions received by the Secretariat.² In the light of its discussions, the Council requested the Commission to address a number of points and actions during its forthcoming meetings in 2018.³ Immediately following the meetings of the Council, the Commission met for two weeks to consider the requests made by the Council together with the submissions received by the Secretariat.

3. Based on the discussions in the Commission,⁴ the Secretariat prepared a revised text of the draft regulations which was issued for the first time in all official languages.⁵ The Commission will

¹ See ISBA/23/LTC/CRP.3, *Draft Regulations on Exploitation of Mineral Resources in the Area*.

² See ISBA/24/C/CRP.1.

³ See ISBA/24/C/8).

⁴ See ISBA/24/C/9.

review the revised text in July 2018 with a view to preparing a working paper for consideration by the Council at the subsequent meetings. The Council and the Commission will also advance their discussion on the development of an economic model for mineral exploitation in the Area and of financial terms for future exploitation contracts. Furthermore, the Finance Committee will commence consideration of equitable sharing criteria relating to the future distribution of financial benefits arising from activities in the Area.⁶

The Strategic Plan

4. One of the most significant decisions made by the Assembly relating to the periodic review under article 154 of the Convention is to request the Secretary-General to prepare a draft strategic plan for the Authority for consideration by the Assembly at the twenty-fourth session in 2018. This would be the first such strategic plan since the Authority was established in 1994.

5. The Strategic Plan is the Authority's highest-level document that will guide its direction and aims for a five-year timespan and constitutes a key instrument for the transparent and accountable governance and leadership of the organization. The Authority is fully committed to an extensive and comprehensive process to ensure the final Strategic Plan will embody the views, priorities and ownership of all its members. On 26 February 2018, the Secretary-General presented the draft Strategic Plan for the period 2019-2023. As part of the consultation efforts of the Secretary-General, an open informal briefing took place on 7 March 2018 for the members of the Authority and those observers present in Kingston, on the margins of the meeting of the Council. The Secretariat subsequently launched an open consultation for all stakeholders during the period 12 March to 27 April 2018, seeking further comments, views and contributions. A total of 23 submissions on the draft strategic plan were received. Efforts were made to craft a strategic plan that is "action-oriented" and takes a pragmatic approach, placing emphasis on the highest priorities for the Authority during the period 2019-2023. The Secretary-General has issued the revised draft strategic plan in all official languages, taking into account the suggestions and comments made during the consultation period, at the various meetings and at the briefing session.⁷ On 12 June 2018, a dedicated side event was held at the Secretariat of the United Nations for the delegations who were attending the twenty-eight meeting of States Parties to the Convention, during which the Secretary-General briefed on the revised draft strategic plan to the delegations.

Implementation and development of the Regional Environmental Management Plans (REMPs)

6. Another major development in the Authority's work programme relates to the protection on marine environment, especially on a process to develop additional regional environmental management plans in the Area. The Council at its meetings in March 2018 decided to endorse a strategy proposed by Secretary-General for the development of regional environmental management plans under the auspices of the Authority for key provinces where exploration activities are taking place. The first REMF for the Area was adopted for the Clarion-Clipperton Zone in 2012. This included the designation for conservation purposes of a network of nine areas of particular environmental interest.

⁵ See ISBA/24/LTC/WP.1, ISBA/24/LTC/WP.1/Add.1 and ISBA/24/LTC/6.

⁶ See ISBA/24/FC/4.

⁷ See ISBA/24/A/4.

7. Since 2012, the Council has repeatedly called upon the Secretariat of the Authority and the Legal and Technical Commission to progress the development of similar REMPs in other parts of the Area, in particular where contracts for exploration currently exist. Those calls have also been reflected in the resolutions of the General Assembly. In May 2018, a scientific workshop was jointly held by the Authority and China Ocean Mineral Resources Research and Development Association (COMRA) in Qingdao, China to explore how to develop a REMP in the northwest Pacific, where contractors from China, Japan, the Russian Federation and the Republic of Korea are carrying out exploration for cobalt-rich crusts. Moreover, another workshop will be hosted by the Authority in Szczecin, Poland from 27-29 June 2018 on the development of a framework for REMP for polymetallic sulphides deposits in mid-ocean ridges. Additionally, during the second half of 2018, a workshop will be held to review the status of implementation of the 2012 environmental management plan established for the Clarion-Clipperton-Zone region.

Promotion and encouragement of marine scientific research in the Area

8. The promotion of marine scientific research with respect to activities in the Area, with particular emphasis on research related to the environmental impact of activities in the Area, is a key focus area for the Authority. The Authority has engaged in several international initiatives as partner to support marine scientific research.

9. In September 2017, the Authority organized a workshop in Berlin, Germany in collaboration with the International Marine Minerals Society and the Pew Charitable Trusts. The workshop dealt with the definition and use of area-based management tools for environmental assessment during exploitation as required in the regulations for each of the three minerals. The regulations foresee the design of Impact Reference Zones and Preservation Reference Zones prior to exploitation. The workshop brought together contractors and stakeholders to provide recommendations to the Legal and Technical Commission to help in their design.

10. From October 2017, the Secretariat engaged in the organization of a scientific cruise called 'Plumex' with R/V Sally Ride offshore California, USA, to study experimental plume releases. This cruise took place in March 2018 and was organized by the Massachusetts Institute of Technology, JPI Oceans, and the Belgian contractor GSR in collaboration with the Scripps Institution of Oceanography in San Diego. The Secretariat also engaged with the University of Hawaii and the International Atomic Energy Agency in a collaborative effort to implement a long-term monitoring system in the area, specifically in the Clarion-Clipperton Zone. This initiative forms the core of a voluntary commitment for the sustainable development goals of UN Oceans.

11. It is understood that processing technologies can cost up to 70 per cent of a total seabed mining project, thus having a major impact on the economic feasibility of deep-sea mining. A workshop is to be held by the Authority in Poland in September 2018, in collaboration with InterOceanMetal Joint Organization (IOM) and the Polish Ministry of Environment, on processing technologies, metal recoveries and its impact on the economic feasibility of deep sea mining.

Financial Situation of the Authority

12. The assessed contributions to the budget of the Authority are due and payable by 31 January in each year. At present, 55 States Parties have paid their assessed contributions for 2018 in full. It should be emphasized that the Authority is facing the issue of arrears of contributions. The

amount of arrears has regrettably increased from a historic low of \$438,187 to almost \$ 2.7 million. Moreover, the number of States Parties that are in arrears of two or more years is rather high and currently stands at 51. Pursuant to Article 184 of the Convention, the voting rights of these members are suspended. Extended arrears have implications not only on the full exercise of membership rights, but also on the overall exercise of the Authority's functions.

13. Another issue that should not be overlooked is the insufficient amount of funds within the voluntary trust fund for the purpose of defraying the cost of participation of the members of the Finance Committee and the Legal and Technical Commission from developing states. While the Authority appreciates the generous contributions from the Governments of Argentina, China and the United Kingdom in 2018, the health of the Fund is far from being optimal. Members, observers and other possible donors are urged to make voluntary contributions to the voluntary trust fund.

Deposit of charts or lists of coordinates under article 84, paragraph 2 of the Convention

14. 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.

15. As at 31 May 2018, eight members of the Authority have deposited such charts and lists with the Secretary-General, namely: Australia, France (with respect to Martinique, Guadeloupe, Guyana, New Caledonia and the Kerguelen Islands), Ireland, Mauritius, Mexico, Niue, Pakistan and the Philippines.

16. The Secretary-General has urged 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.

Capacity-building and training programme

17. The Authority discharges its obligation pursuant to 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 through the training programmes provided by the Contractors under exploration contracts with the Authority and the Endowment Fund for marine scientific research in the Area. During 2013-2017, a total of 69 training places have been awarded to candidates from developing countries to participate in the Contractors training programmes. As at 31 May 2018, a total of 27 training places have already been offered by the Contractors in 2018.

18. As of 31 May 2018, a total of 126 scientists or government officials from 45 countries have been beneficiaries of financial support from the Endowment Fund. Of the 126 beneficiaries to date, a total of 47 were women. Notwithstanding the efforts of the Authority to generate interest in the Endowment Fund on the part of potential donors and institutional partners (as encouraged by paragraph 68 of UNGA resolution 71/257), only one contribution has been received since 2017.⁸

⁸ From the Institut français de recherche pour l'exploitation de la mer (Ifremer) on 12 February 2018 in the amount of \$5,000.

Implementation of Voluntary Commitments

19. The Authority has taken action to launch the implementation of these voluntary commitments. For instance, on 22 March 2018, in partnership with the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, the Authority co-hosted a joint side event on the margins of the sixty-second session of the Commission on the Status of Women. This side event (“Enhancing the role of women in deep sea scientific research to achieve the goals and targets of the 2030 Agenda for sustainable development by vulnerable countries”) aimed to raise awareness and to discuss ways and means of improving access to deep sea marine scientific research for women from developing countries.

20. The Secretary-General’s Award for Deep-Sea Research Excellence was launched in November 2017, following the publication of guidelines for the award⁹ and the appointment in August 2017 of an advisory committee of internationally recognized experts in the field of deep-sea science, social sciences and humanities with experience in the law of the sea, international law or management of marine resources. The name of the winner will be announced during the twenty-fourth session of the Assembly.

21. Important progress has been made in the establishment of long-term underwater oceanographic observatories in the Area and in the enhancement of deep sea marine biodiversity assessment through the creation of online taxonomic atlases. It is expected that these two distinct voluntary commitments will be implemented by 2018 or early 2019.

22. In cooperation with the Department of Economic and Social Affairs of the United Nations Secretariat and the Pacific Community, the Authority will organise, in November 2018 in Tonga, a consultation workshop with officials of Pacific Small Island Developing States to progress the implementation of the “Abyssal Initiative for Blue Growth” project. The implementation of the voluntary commitment established for “Fostering cooperation to promote the sustainable development of Africa’s deep seabed resources in support to Africa’s Blue Economy”, launched in partnership with the African Minerals Development Centre of the United Nations Economic Commission for Africa, will begin with the organisation of a workshop to be held in Abidjan, Cote d’Ivoire, in October 2018.

End

⁹ See ISBA/ST/SGB/2017/6.