



Contribution to the Report of the Secretary-General of the United Nations on oceans and the law of the sea, as mandated by United Nations General Assembly resolution 76/72 of 9 December 2021, entitled “Oceans and the law of the sea”

17 June 2022

Twenty-sixth session in 2021 and ongoing twenty-seventh session

1. It is recalled that the twenty-sixth session of the Assembly was declared open on 5 October 2020. During 2020 and 2021, the Assembly took a number of decisions adopted under silence procedure. The Assembly resumed face to face meetings in Kingston, Jamaica, on 13-14 December 2021.¹ The twenty-seventh session of the Assembly will be held in Kingston from 1-5 August 2022.

2. The Council resumed face to face meetings of its twenty-sixth session in Kingston, Jamaica, from 6 to 10 December 2021. The Council took note of the decisions it had taken under silence procedure in 2020 and 2021, and among others, endorsed a roadmap to advance the work on the draft Regulations on exploitation of mineral resources in the Area in 2022.² The Part I of the twenty-seventh session of the Council was held in person in March 2022,³ and the Part II will be held from 18 to 29 July 2022. Subject to availability of resources, Part III is scheduled for 31 October to 11 November 2022.

Status of exploration contracts

3. As at 15 June 2021, a total of 31 contracts for exploration had entered into force, of which 19 were for polymetallic nodules, 7 were for polymetallic sulphides and 5 were for cobalt-rich ferromanganese crusts.

4. In December 2021, the Council approved the applications for the extension of the approved plans of work for exploration for polymetallic nodules of the following seven contractors:⁴ Interoceanmetal Joint Organization; JSC Yuzhmorgeologiya; the Government of the Republic of Korea; China Ocean Mineral Resources Research and Development Association; Deep Ocean Resources Development Co. Ltd.; Institut français de recherche pour l'exploitation de la mer; and Federal Institute for Geosciences and Natural Resources of Germany. Further in March 2022, the Council approved the application for the extension of the approved plan of work for exploration for polymetallic nodules of the Government of India.⁵

¹ For the work of the Assembly during the twenty-sixth session, see ISB/26/A/34.

² For the work of the Council during its resumed twenty-sixth session in 2021, see ISBA/26/C/13/Add.1.

³ For the work of the Council during Part I of its twenty-seventh session, see ISBA/27/C/21.

⁴ See ISBA/26/C/49, 50, 51, 52, 53, 54 and 55.

⁵ See ISBA/27/C/18.

Consideration of the Draft Exploitation Regulations

5. During its twenty-sixth session, on 10 December 2021, the Council endorsed a road map for the twenty-seventh session of the Council.⁶ The road map will be reviewed at the end of the last Council meeting of 2022 to take stock of advances in the formulation of the regulatory framework for exploitation, including the standards and guidelines, and to consider possible scenarios, as foreseen in section 1, paragraph 15 of the annex to the 1994 Agreement, in addition to any other pertinent legal considerations.

6. During the Part I of the twenty-seventh meeting, in March 2022, as a matter of priority, the Council continued to consider the draft Regulations on the exploitation of mineral resources in the Area (ISBA/25/C/WP.1). The three informal working groups established by the Council in February 2021 held their first in-person meetings and discussed i) the protection and preservation of the marine environment, facilitated by Raijeli Taga (Fiji), ii) inspection, compliance and enforcement, facilitated by Maureen P. Tamuno (Nigeria) and iii) institutional matters, co-facilitated by Georgina Guillén Grillo (Costa Rica) and Constanza Figueroa Sepúlveda (Chile). The facilitators received textual proposals on relevant draft regulations and draft standards and guidelines in April 2022. The Facilitators will prepare their respective texts for consideration by the Council during the second part of the meetings in July 2022.⁷

7. The open-ended working group on the financial terms of contracts and the financial model and payment mechanism for deep-sea mining, chaired by Mr. Olav Myklebust (Norway), held its fourth in-person meeting on 21-22 March. The Chair will prepare a briefing note and revised text of the relevant Draft Regulations for consideration by the Council in July 2022.

Development of Regional Environmental Management Plans

8. During its twenty-sixth session, on 10 December 2021, the Council adopted a decision relating to the review of the implementation of the environmental management plan for the Clarion-Clipperton Zone, including the approval of the designation of four additional areas of particular environmental interest.⁸

9. At its meetings of the twenty-seventh session, in March 2022, the Legal and Technical Commission considered a report containing a draft regional environmental management plan for the area of the northern Mid-Atlantic Ridge with a focus on polymetallic sulphide deposits,⁹ and released the draft for stakeholders consultation in April 2022. The Commission will continue to consider the draft REMP for the northern Mid-Atlantic Ridge, in particular the comments received from stakeholders at its meetings in July 2022.

Implementation of the Action plan of the Authority in support of the United Nations Decade of Ocean Science for Sustainable Development

10. It is recalled that during the twenty-sixth session, the Assembly of the Authority adopted a decision relating to the action plan of the Authority in support of the United Nations Decade of Ocean Science for Sustainable Development.¹⁰

⁶ See ISBA/26/C/13/Add.1, Annex.

⁷ See ISBA/27/C/21.

⁸ See ISBA/26/C/58.

⁹ See ISBA/27/C/16.

¹⁰ See ISBA/26/A/17.

11. In June 2022, in the margins of the 2022 UN Ocean Conference in Lisbon, Portugal, the secretariat launched the Sustainable Seabed Knowledge Initiative (SSKI). The goal of SSKI is to establish a global knowledge-sharing platform to advance scientific understanding of deep-sea ecosystems in the Area. SSKI is supported by the Governments of Argentina, the Republic of Korea, South Africa and the United Kingdom, the European Commission, and with the participation of the Institut français de recherche pour l'exploitation de la mer (Ifremer); the World Register of Marine Species; the Ocean Biodiversity Information System (OBIS) of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (IOC-UNESCO), and the secretariat of the Convention on Biological Diversity (CBD).

12. In 2020 and 2021, the secretariat organized two virtual workshops in collaboration with the Ministry of Oceans and Fisheries of the Republic of Korea (MOMAF) and the National Marine Biodiversity Institute of Korea (MABIK), on taxonomic standardization (September 2020), and on enhancing image-based biodiversity assessments to advance deep-sea taxonomy (October 2021). The workshops identified a list of activities to be implemented in the short, medium, and long-term in the form of a roadmap aiming at facilitating the integration of deep-sea taxonomic knowledge into the work of the Authority. The secretariat together with MOMAF will organize a third workshop in November 2022 in Korea. The workshop will focus on standardizing methodologies for collecting and sharing genetic sequence data and information in support of improved observation and monitoring capacities of biodiversity in the Area.

13. In November 2021, the secretariat organized an online expert scoping meeting, to take stock of existing technologies for activities in the Area and gaps and identify existing and potential actors. Drawing on the results of this meeting, the secretariat, in collaboration with other relevant actors from the mining and technology industry, will organize a workshop in 2022 to analyze progress, identify necessary developments, and explore mutual interests and benefits between the land- and seabed-based industries through the advancement of intelligent technologies in support of effective transition from exploration to exploitation.

14. The secretariat has joined the advisory boards of two scientific research projects, namely the Seabed Mining and Resilience to Experimental impact (SMARTEX) and the Conservation and restoration of deep-sea ecosystems in the context of deep-sea mining (DEEP REST) project, and further continues to enhance its collaboration with the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP).

15. In March 2022, the Authority signed a letter of collaboration with the World Register of Marine Species (WoRMS) with a view to help ensuring the quality of deep-sea taxonomic information and data contained in the DeepData database through periodic scientific reviews between DeepData and WoRMS' thematic subregister, the World Register of Deep-Sea Species (WoRDSS). Further, on World Oceans Day (8 June 2022), the Authority, in collaboration with the International Hydrographic Organization (IHO), launched the AREA2030 initiative, to facilitate the voluntary contribution of high-resolution bathymetric data by contractors. These data will significantly contribute to the international efforts to improve mapping of the global seafloor by 2030 and represent a significant contribution to the objectives of the UN Decade of Ocean Science for Sustainable Development.

16. On 7 June 2022, the International Gender Champions (IGC) network launched a new Impact Group on Research and Oceans for Women (IGROW) with the aim to provide a platform to facilitate

synergies and collective actions to increase participation of women in ocean affairs. Efforts have been engaged to undertake the first ever gender mapping of deep-sea research and related disciplines and activities in LDCs, LLDCs and SIDS. The report “Empowering Women from LDCs, LLDCs and SIDS in Deep-Sea Research”, which also contains an analysis of critical barriers encountered by women scientists, will be launched during a side event organized at the 2022 UN Ocean Conference in June.

Capacity development and training programme

17. In May 2022, the ISA-China Joint and Training Research Center organized its first training workshop on survey and assessment of mineral resources, characteristics of deep-sea ecosystems and environmental management, and the global repository of data from exploration activities in the Area. The workshop gathered 55 participants from 20 countries, including 24 participants from nine different LDCs, LLDCs, and SIDS. More than 45 percent of the participants were women.

18. In March and May 2022, the secretariat held two webinars under its “Deep DiplomaSea” series organized for the personnel of permanent missions to the Authority and the United Nations. More than 130 participants joined the two webinars.

19. The secretariat, in cooperation with Ifremer and with the financial support of the Government of France, established in 2021 a deep-sea taxonomy postdoctoral fellowship for candidates from developing States members of the Authority. The 18-month fellowship will focus on developing and testing new methods and technologies for deep-sea species identification. After a thorough selection process, the project selected Dr Ranju Radhakrishnan from India who will be joining Ifremer in September 2022.

20. The secretariat further progressed in the implementation of the internship programme funded by the National Oceanography Centre, United Kingdom. Implementation of this initiative had been delayed owing to global travel restrictions. The programme focuses on developing technical capabilities on taxonomic identification and standardization, and data collection and processing. Two female candidates have been selected for the internships, from China and the Cook Islands respectively. The candidates are expected to join the secretariat between August and December 2022.

21. In addition, the secretariat is currently developing an e-learning platform titled “Deep Dive” that will support the development of capacities and skills of young professionals and experts in the work of the Authority. This will be the first and only e-learning platform exclusively devised to address all elements of the legal regime in Part XI of the Convention and the 1994 Agreement. An entire module is dedicated to discussing the legal regime as well as the technical and scientific aspects pertaining to the conduct of marine scientific research. The Deep Dive platform is expected to be launched in 2022.

22. Building upon the objectives of the Africa Deep Seabed Resources project, the secretariat held in June 2022 the second webinar of its new series dedicated entirely to addressing the priority needs for capacity development identified by African member States. This webinar focused on the Authority’s data management strategy and the role of the DeepData database, including various data flows from sources to users. The webinar also focused on different types of data analytics and their use for marine scientific research in the Area.

23. The Authority, in partnership with the United Nations Office of the High Representative for

the Least Development Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLLS), launched the Women in Deep-Sea Research (WIDSR) project in March 2021. The WIDSR project aims at developing and implementing specific activities to advance participation and empowerment of women scientists from the least developed countries (LDCs), landlocked developing countries (LLDCs) and small island developing States (SIDS) in deep-sea research. Several strategic partnerships have already been established with Governments, international and regional organizations, academia and contractors to implement activities in four action areas: policy development and advocacy; capacity development; sustainability and partnerships; and communication and outreach. Within the ambit of the project, the secretariat has, for example, contributed to the Global Women's Leadership Training Programme organized by MABIK in Marine Bioresources Information Systems, for female experts and scientists from Fiji, in October 2021.

The 1994 Agreement

24. In accordance with article 156, paragraph 2, of the Convention all States Parties are, *ipso facto*, members of the Authority. As of 15 June 2021, there are 168 members of the Authority, including 167 member States and European Union. On the same date, there are 150 parties to the 1994 Agreement, and 17 members need to take necessary steps to become parties to the 1994 Agreement. These are: Bahrain, Comoros, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Gambia, Guinea-Bissau, Iraq, Mali, Marshall Islands, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Somalia and Sudan.

The Protocol on the Privileges and Immunities of the International Seabed Authority

25. The Protocol on the Privileges and Immunities of the Authority was adopted by the Assembly on 27 March 1998 and entered into force on 31 March 2003. The total number of parties to the Protocol remains at 47. Members of the Authority that are not yet parties are strongly encouraged to take the necessary steps to become parties to the Protocol at their earliest convenience.

Implementation of article 84, paragraph 2 of the Convention

26. Pursuant to article 84, paragraph 2, of the Convention, coastal States are obliged to give due publicity to charts or lists of geographical coordinates and, in the case of those showing the outer limit lines of the continental shelf, to deposit a copy of each such chart or list with the Secretary-General of the Authority. As at 15 June 2022, the following members of the Authority have deposited such charts and lists with the Secretary-General, namely: Australia, Côte d'Ivoire, France (with respect to Guadeloupe, Guyana, Kerguelen Islands, Martinique, New Caledonia, Saint-Paul et Amsterdam and La Réunion), Ireland, Mauritius, Mexico, Niue, Pakistan, the Philippines and Tuvalu. The Secretary-General urges 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, up to and beyond 200 nautical miles, in accordance with the relevant provisions of the Convention. The secretariat circulated a note verbale on 29 March 2021 requesting the deposit of such charts or lists of coordinates.

Budget and status of contributions

27. In accordance with the Convention and the 1994 Agreement, the administrative expenses of the Authority are to 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 is based upon the scale

used for the regular budget of the United Nations, adjusted for differences in membership. As at 15 June 2022, 85 per cent of the value of contributions to the 2022 budget due from member States and the European Union had been received. The total amount of arrears for the previous financial periods (1998–2021) amounted to \$1,018,664. 57 States are in arrears of contributions for more than two years and eight States have never paid any contributions whatsoever since becoming parties to the convention. Notices on the arrears are sent on a regular basis to the member States concerned.

Status of the voluntary trust funds

28. As of 15 June 2022, the capital of the Endowment Fund for Marine Scientific Research in the Area stood at \$3,573,567. In its decision relating to the implementation of a programmatic approach to capacity development, the Assembly requested the Secretary-General to develop and implement a dedicated strategy for capacity development, including to review the terms of reference of the Fund to allow the use of the capital of the Fund to support training and technical assistance activities. The Secretary-General presented proposals for a revised model of operation of the Fund to the Finance Committee in 2022.

29. Regarding the voluntary trust fund to defray the costs of participation of members from developing countries in the meetings of the Legal and Technical Commission and of the Finance Committee, as at 15 June 2022, the balance stood at \$180,358, including a recent contribution from the United Kingdom (\$10,000) and voluntary contributions of \$6,000 each from five contractors in 2022.

30. With regard to the voluntary trust fund to support the participation of members of the Council of the Authority from developing States in the meetings of the Council, the balance stands at \$24,073, including a recent contribution by the United Kingdom (\$10,000).

31. With regard to the voluntary trust fund for the purpose of providing the requisite funds related to the work of the Special Representative of the Secretary-General for the Enterprise, recent contributions have been received from the United Kingdom (\$10,000) and Malta (\$11,339). The available balance of the fund stands at \$17,083.

32. With regard to the trust fund for extrabudgetary support for the Authority, total contributions of \$1,995,215 had been received. The balance of the fund stands at \$699,905.

Relationship with the United Nations and other relevant international organizations and bodies

United Nations

33. On 29 April 2022, the Secretary-General made a statement to the informal meeting of the General Assembly to commemorate the fortieth anniversary of the adoption of the Convention.¹¹ Statements were also made by the President of the International Tribunal for the Law of the Sea, the Under-Secretary-General for Legal Affairs of the United Nations, the Legal Counsel, the President of

¹¹ The written statement is available at https://isa.org.im/files/documents/EN/SG-Stats/Statement_40th_anniversary_of_the_adoption_of UNCLOS.pdf

the International Court of Justice, and the Chair of the Commission for the Limits of the Continental Shelf.

34. During the thirty-second Meeting of States parties to the Convention, on 13 June 2022, the Secretary-General provided information on the activities carried out by the Authority since the last Meeting of States Parties.¹²

African Union

35. In the light of the number of areas of common interest between the Authority and the African Union, observer to the International Seabed Authority, there have been intense exchanges on the possibility of formalizing cooperation between the two organizations. The terms of the draft memorandum of understanding were finalized at the secretariat levels between the African Union Commission and the secretariat of the Authority, before it was formally submitted to the Authority for consideration by its Council in July 2022.¹³

Indian Ocean Rim Association

36. At its meeting in December 2021, the Council took note of and approved the memorandum of understanding between the Indian Ocean Rim Association and the International Seabed Authority.¹⁴

End

¹² The written statement is available at https://isa.org.jm/files/documents/EN/SG-Stats/Statement_ISA_SPLOS32.pdf

¹³ See ISBA/27/C/29.

¹⁴ See ISBA/26/C/16, annex and ISBA/26/C/13/Add.1.