



# Assembly

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## Twenty-sixth session

Kingston, 13–15 December 2021\*

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

1. The twenty-sixth session of the Assembly of the International Seabed Authority was declared open on 5 October 2020. Owing to the global travel limitations resulting from the coronavirus disease (COVID-19) pandemic, no in-person meetings were possible in July 2020, the originally scheduled date, and until late 2021. The Assembly managed to adopt a number of decisions on matters of a procedural nature and time-sensitive matters under silence procedure during the period from October 2020 to July 2021. In the end, the meetings of the Assembly were held in hybrid format on 13 and 14 December 2021 (187th–190th meetings), with the consideration of all agenda items completed one day ahead of schedule.

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

2. On 5 October 2020, under the agreed silence procedure, Kamina Johnson Smith (Jamaica), President of the Assembly for its twenty-fifth session, declared the opening of the twenty-sixth session.
3. On 6 November, the Assembly adopted the agenda of its twenty-sixth session<sup>1</sup> under silence procedure.
4. At its 187th meeting, on 13 December 2021, the Assembly took note of the decisions adopted by the Assembly under silence procedure in 2020 and 2021.<sup>2</sup>

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

5. On 29 October 2020, following the nomination of the Group of Western European and Other States to preside over the Assembly, the Permanent Representative of France to the Authority, Denys Wibaux, was elected, under silence procedure, President of the Assembly for its twenty-sixth session. In November 2020, following consultations in the regional groups, the representatives of Nigeria (Group

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\* New dates of the in-person meetings originally scheduled for July 2020 and then July 2021.

<sup>1</sup> ISBA/26/A/1.

<sup>2</sup> See ISBA/26/A/29.



of African States), Nauru (Group of Asia-Pacific States), Poland (Group of Eastern European States) and the Dominican Republic (Group of Latin American and Caribbean States) were elected Vice-Presidents under silence procedure.

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

6. On 13 November 2020, Canada, Chile, Costa Rica, Czechia, Lesotho, South Africa and Spain were appointed, under silence procedure, as members of the Credentials Committee for the twenty-sixth session of the Assembly. On 8 January 2021, Myanmar and Sri Lanka were appointed, also under silence procedure, as members of the Credentials Committee.

7. The Credentials Committee met in hybrid format on 9 December 2021 and elected Mohan Pieris (Sri Lanka) as its Chair. The Committee held a second meeting on 14 December, also in hybrid format, and examined the credentials of representatives participating in the twenty-sixth session.

8. At the 190th meeting, on 14 December, the Chair of the Credentials Committee presented the report of its Committee,<sup>3</sup> which was approved by the Assembly at the same meeting.<sup>4</sup>

### **IV. Statement by the President of the Council on the work of the Council during the twenty-sixth session**

9. At the 187th meeting of the Assembly, the President of the Council, Rear Admiral (retired) Khurshed Alam (Bangladesh), made an oral report on the work of the Council during the twenty-sixth session, covering the first part, from 17–21 February 2020,<sup>5</sup> the second part, from 6 to 10 December 2021,<sup>6</sup> and the decisions adopted under silence procedure in 2020 and 2021.<sup>7</sup> The Assembly took note of the report.

### **V. Requests for observer status in the Assembly**

10. At its 187th meeting, the Assembly considered and approved two applications for observer status in the Assembly, one from the Sasakawa Peace Foundation<sup>8</sup> and one from OceanCare,<sup>9</sup> in accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly and the guidelines for observer status of non-governmental organizations with the International Seabed Authority.<sup>10</sup>

### **VI. Election to fill a vacancy on the Finance Committee**

11. The following elections were conducted under silence procedure in 2020 and 2021, in accordance with section 9, paragraph 5, of the annex to the 1994 Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982: on 26 November 2020, Fujimoto Shoko (Japan)

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<sup>3</sup> ISBA/26/A/30.

<sup>4</sup> See ISBA/26/A/31.

<sup>5</sup> See ISBA/26/C/13.

<sup>6</sup> See ISBA/26/C/13/Add.1.

<sup>7</sup> See ISBA/26/C/48.

<sup>8</sup> ISBA/26/A/INF/1.

<sup>9</sup> ISBA/26/A/INF/2.

<sup>10</sup> ISBA/25/A/16, annex.

was elected for the remainder of the term of Onuma Hiroshi (Japan),<sup>11</sup> Philip Dixon (United Kingdom of Great Britain and Northern Ireland) was elected for the remainder of the term of Ahila Sornarajah (United Kingdom),<sup>12</sup> Fan Kejun (China) was elected for the remainder of the term of Sun Zhi (China)<sup>13</sup> and Abderahmane Zino Izourar (Algeria) was elected for the remainder of the term of Mehdi Remaoun (Algeria);<sup>14</sup> and on 29 April 2021, Eleanor Petch (United Kingdom) was elected for the remainder of the term of Philip Dixon (United Kingdom)<sup>15</sup> and Medard Ainomuhisha (Uganda) was elected for the remainder of the term of Duncan Laki (Uganda).<sup>16</sup>

12. At the 187th meeting of the Assembly, Christopher Hilton (United Kingdom) was elected for the remainder of the term of Ms. Petch (United Kingdom),<sup>17</sup> Kajal Bhat (India) was elected for the remainder of the term of Yedla Umasankar (India)<sup>18</sup> and Thiago Poggio Pádua (Brazil) was elected for the remainder of the term of Reinaldo Storani (Brazil).<sup>19</sup> The Assembly expressed its condolences to the Government of Brazil and the family of Mr. Storani for the passing away of Mr. Storani on 2 May 2021.

## VII. Annual report of the Secretary-General

13. At the 188th meeting of the Assembly, on 13 December 2021, the Secretary-General presented to the Assembly his report<sup>20</sup> submitted in accordance with article 166, paragraph 4, of the United Nations Convention on the Law of the Sea. In doing so, the Secretary-General focused on the most recent information, as contained in document [ISBA/26/A/2/Add.1](#).

14. At its 188th and 189th meetings, on 13 and 14 December, the Assembly conducted a general debate on the annual report of the Secretary-General. Two regional groups and 26 members of the Authority made statements in person<sup>21</sup> and 13 members made statements virtually,<sup>22</sup> while two observers made statements in person and three observers did so virtually.

15. Delegations thanked the Secretary-General for his report and congratulated him on his re-election. Most delegations commended the efforts and work of the Legal and Technical Commission and the Finance Committee, as well as those of the secretariat in 2020 and 2021, in spite of the difficulties created by the COVID-19 pandemic.

<sup>11</sup> See [ISBA/26/A/3](#).

<sup>12</sup> See [ISBA/26/A/6](#).

<sup>13</sup> See [ISBA/26/A/11](#).

<sup>14</sup> See [ISBA/26/A/13](#).

<sup>15</sup> See [ISBA/26/A/21](#).

<sup>16</sup> See [ISBA/26/A/22](#).

<sup>17</sup> See [ISBA/26/A/26](#).

<sup>18</sup> See [ISBA/26/A/27](#).

<sup>19</sup> See [ISBA/26/A/28](#).

<sup>20</sup> See [ISBA/26/A/2](#) and [ISBA/26/A/2/Add.1](#), as well as a fully illustrated and separate report, entitled "Achieving the sustainable use of deep-sea minerals for the benefit of humankind", which is available at [https://isa.org.jm/files/files/documents/ISA\\_Annual\\_Report\\_2020\\_ENG\\_0.pdf](https://isa.org.jm/files/files/documents/ISA_Annual_Report_2020_ENG_0.pdf).

<sup>21</sup> Argentina, Bangladesh, Brazil, Costa Rica (also on behalf of the Group of Latin American and Caribbean States), Chile, Cuba, Dominican Republic, Ecuador, Egypt, France, Ghana (on behalf of the Group of African States), Jamaica, Japan, Kiribati, Mexico, Micronesia (Federated States of), Morocco, Nauru, New Zealand, Netherlands, Nigeria, Russian Federation, Sierra Leone, Spain, Tonga, Trinidad and Tobago and United Kingdom of Great Britain and Northern Ireland.

<sup>22</sup> Australia, Cameroon, China, Guyana, Fiji, India, Indonesia, Italy, Myanmar, Philippines, Poland, Singapore and Viet Nam.

16. A number of delegations noted with appreciation the hybrid format used for the meeting and asked that all measures be taken to ensure the widest and most effective participation of delegations and stakeholders in such a format, should it not be possible to hold the meetings in person because of constraints imposed by the COVID-19 pandemic.
17. Many delegations called upon those members that were in arrears with the payment of their contributions to the administrative budget of the Authority to make contributions as soon as possible. They also called upon members, observers and other stakeholders to make contributions to the voluntary trust funds administered by the Authority.
18. With regard to the regulatory framework for activities in the Area, many delegations noted with appreciation the road map adopted by the Council until the end of 2022 for considering the draft regulations on exploitation and the associated standards and guidelines. Several delegations highlighted that contracts for exploitation should not be granted until consensus on the legal regime was reached. Some delegations emphasized that the Mining Code must above all ensure the effective protection of the marine environment and that regional environmental management plans should be in place before any mining activities started in the region concerned.
19. Delegations welcomed the report on the contribution of the Authority to the achievement of the 2030 Agenda for Sustainable Development and noted with appreciation that the work of the Authority currently contributed to the realization of 12 of the Sustainable Development Goals.
20. Many delegations noted with appreciation the programmatic approach to capacity-building for developing States, the nomination of focal points for that purpose and the training opportunities provided by contractors and national or regional training webinars organized by the secretariat. They encouraged the secretariat to hold more such training webinars in the future. Several delegations welcomed the outreach efforts of the secretariat, in particular through the establishment of the new “Deep-DiplomaSea” webinar series and the forthcoming conference on women in the law of the sea.
21. A number of delegations highlighted the importance of the operationalization of the Enterprise. One group called for the appointment of an interim director general of the Enterprise by the end of 2023.
22. One regional group and some delegations expressed regret that the Council had not been able to reach consensus on the process for the election of the members of the Legal and Technical Commission and hoped that it could soon agree on such a process to ensure not only appropriate geographical representation of its members but also the right balance of expertise, in particular considering the need to make progress on the draft regulations on exploitation and the associated standards and guidelines.
23. Many delegations commended the work of the secretariat in promoting marine scientific research and encouraged further cooperation with other international organizations, contractors and other stakeholders.
24. A number of delegations welcomed the continued participation of the secretariat in the negotiations on 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. They highlighted the importance of ensuring the consistency of such an instrument with the Convention and the 1994 Agreement and of ensuring harmonization, complementarity and coherence between the instrument and the draft regulations on exploitation, through coordination and cooperation.

25. Delegations thanked the Government of Jamaica for its hospitality and its strong commitment and efforts in making the meeting in hybrid format possible.

## **VIII. Implementation of the strategic plan and high-level action plan of the Authority for the period 2019–2023**

26. At its 190th meeting, the Assembly took note of the reports on the implementation of the strategic plan and high-level action plan of the Authority for the period 2019–2023.<sup>23</sup>

## **IX. Tribute to the memory of the late Satya N. Nandan**

27. At the 187th meeting of the Assembly, the Secretary-General made a statement in memory of the late Satya N. Nandan, the first Secretary-General of the Authority, who had passed away on 26 February 2020. After recalling the career of Mr. Nandan as a successful diplomat and negotiator and his contribution to the development of the law of the sea and the operation of the Authority, the Secretary-General highlighted, *inter alia*, Mr. Nandan's belief in a multilateral approach to resolving problems through the rule of law and in the capacity of the Convention and its related implementation agreements to deliver sustainable development and prosperity for the whole of humankind.

28. The Assembly observed one minute of silence to pay tribute to the memory of Mr. Nandan.

## **X. Contribution of the International Seabed Authority to the United Nations Decade of Ocean Science for Sustainable Development**

29. On 3 December 2020, in line with the schedule and modalities concerning the organization of work for the twenty-sixth session adopted, under silence procedure, by the Assembly on 20 November 2020 to allow for an exchange of views among members of the Assembly, the members were invited to submit written statements in respect to the report of the Secretary-General on the action plan of the Authority in support of the United Nations Decade of Ocean Science for Sustainable Development.<sup>24</sup> The statements received were made available on the website of the Authority.

30. On 14 December, the Assembly was invited to consider the aforementioned report and to adopt a draft decision relating to the action plan of the Authority in support of the United Nations Decade of Ocean Science for Sustainable Development.<sup>25</sup> The Assembly adopted such a decision on 17 December.<sup>26</sup>

31. At the 188th meeting of the Assembly, the Secretary-General, when presenting his annual report to the Assembly, also reported on the implementation of the action plan of the Authority in support of the United Nations Decade of Ocean Science For Sustainable Development.<sup>27</sup> After considering the report, the Assembly decided to: (a) take note of the information provided in the report; (b) request the Secretary-

<sup>23</sup> [ISBA/26/A/8-ISBA/26/C/23](#) and [ISBA/26/A/9](#).

<sup>24</sup> [ISBA/26/A/4](#).

<sup>25</sup> *Ibid.*, annex II.

<sup>26</sup> See [ISBA/26/A/17](#).

<sup>27</sup> See [ISBA/26/A/25](#).

General to continue his efforts to mobilize resources to provide financial support for the implementation of the strategic research priorities under the Action Plan for Marine Scientific Research; and (c) encourage all members of the Authority, other States, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private persons to contribute to the implementation of the Action Plan for Marine Scientific Research.

## **XI. Report of the Finance Committee and adoption of the budget of the Authority**

32. On 28 December 2020, in line with the decision of the Assembly concerning the schedule and modalities for the organization of work of its twenty-sixth session, and noting that the Council had adopted on 24 December 2020 a decision relating to the budget of the Authority for the financial period 2021–2022,<sup>28</sup> the Assembly was invited to consider the report and recommendations of the Finance Committee<sup>29</sup> and to adopt a draft decision relating to the budget of the Authority for the financial period 2021–2022.

33. On 31 December 2020, the Assembly adopted such a decision under silence procedure.<sup>30</sup>

34. At its 190th meeting, the Assembly considered the report of the Finance Committee,<sup>31</sup> in particular on remaining items. Taking into account the recommendations of the Council in its decision relating to financial and budgetary matters,<sup>32</sup> the Assembly adopted a decision relating to financial and budgetary matters at the same meeting.<sup>33</sup>

35. A number of delegations welcomed the report of the Financial Committee on the development of rules, regulations and procedures on the equitable sharing of financial and other economic benefits derived from activities in the Area. In the context of the general debate on the annual report of the Secretary-General, one regional group suggested that a webinar be held for further information and discussion on the models analysed for benefit-sharing in the report, including a detailed exploration of the proposed global seabed sustainability fund. One regional group considered that the proposals by the Committee for equitable sharing should warrant further consideration and recommended that the secretariat prepare a summary that would facilitate further deliberations and policy considerations on the subject. The same group and two delegations welcomed the proposal to establish a seabed sustainability fund to support global public goods and highlighted that such a fund should be kept separate from any environmental compensation fund. One delegation highlighted the importance of taking future generations into account when considering benefit-sharing. One delegation also shared its preliminary suggestions concerning the implementation of article 82, paragraph 4, of the Convention.

## **XII. Election of the Secretary-General**

36. On 30 November 2020, in line with the decision of the Assembly concerning the schedule and modalities for the organization of work of its twenty-sixth session, the

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<sup>28</sup> ISBA/26/C/26.

<sup>29</sup> See ISBA/26/A/10-ISBA/26/C/21.

<sup>30</sup> ISBA/26/A/19.

<sup>31</sup> See ISBA/26/A/10-ISBA/26/C/21 and ISBA/26/A/10/Add.1-ISBA/26/C/21/Add.1.

<sup>32</sup> ISBA/26/C/56.

<sup>33</sup> ISBA/26/A/33.

Assembly was invited to elect the Secretary-General of the Authority for a four-year term commencing on 1 January 2021, in accordance with article 160, paragraph 2 (b), of the Convention. In that regard, the Assembly was also invited to note that, on 19 November 2020, the Council had adopted a related decision.<sup>34</sup> A draft decision of the Assembly concerning the election of the Secretary-General<sup>35</sup> was placed under silence procedure.

37. On 3 December, the Assembly elected Michael W. Lodge (United Kingdom) as Secretary-General of the Authority for a four-year term from 1 January 2021 to 31 December 2024.<sup>36</sup>

### **XIII. Election to fill vacancies on the Council, in accordance with article 161, paragraph 3, of the United Nations Convention on the Law of the Sea**

38. In line with the decision of the Assembly concerning the schedule and modalities for the organization of work of its twenty-sixth session, a draft decision concerning the election to fill vacancies on the Council was scheduled to be circulated on 30 November 2020 and placed under silence procedure for adoption, but was eventually rescheduled to be tabled on 7 December 2020. On 7 December, the President urged the Group of Western European and Other States to nominate the candidates for election to fill the vacancies on the Council as soon as possible.

39. On 26 February 2021, a draft decision of the Assembly relating to the election to fill the vacancies on the Council in accordance with article 161, paragraph 3, of the Convention was placed under silence procedure.

40. On 3 March, the Assembly elected 19 members of the Council for the term from 1 January 2021 to 31 December 2024, subject to an agreed rotation arrangement.<sup>37</sup>

### **XIV. Other matters**

#### **Museum of the Authority in honour of Nii Allotey Odunton**

41. On 9 October 2020, a note verbale was received by the secretariat from the Permanent Mission of Ghana to the United Nations, which contained a draft decision of the Assembly, submitted by the African Group, to name the museum of the Authority in honour of Nii Allotey Odunton, the second Secretary-General of the Authority.<sup>38</sup>

42. On 26 November 2020, the Assembly adopted under silence procedure a decision to name the museum of the Authority in honour of Mr. Odunton.<sup>39</sup>

#### **Extension of the terms of office of the current members of the Finance Committee**

43. Considering that the five-year terms of office of the current members of the Finance Committee started on 1 January 2017 would expire on 31 December 2021, the period of time required for nomination and the circulation process for the election of the Committee members and the need to ensure the continued effectiveness of the

<sup>34</sup> [ISBA/26/C/25](#).

<sup>35</sup> [ISBA/26/A/L.2](#).

<sup>36</sup> See [ISBA/26/A/16](#).

<sup>37</sup> See [ISBA/26/A/20](#).

<sup>38</sup> See [ISBA/26/A/14](#).

<sup>39</sup> See [ISBA/26/A/15](#).

Committee in fulfilling its functions, the Assembly was invited on 21 June 2021 to consider and adopt, on an exceptional basis, a draft decision concerning a one-year extension of the terms of office of the current members of the Committee.

44. The Assembly adopted the decision under silence procedure on 6 July 2021. Accordingly, the terms of the office of the current members of the Finance Committee were extended by one year, such that they would expire on 31 December 2022.<sup>40</sup>

#### **Third edition of Secretary-General's Award for Excellence in Deep-Sea Research**

45. The Secretary-General presented the third edition of his Award for Excellence in Deep-Sea Research to Kirsty McQuaid (South Africa), a postdoctoral research fellow at the University of Plymouth. The Secretary-General expressed his appreciation to the Government of Monaco for its contribution in support of the Award.

### **XV. Dates of the next session of the Assembly**

46. The twenty-seventh session of the Assembly will be held from 1 to 5 August 2022. It will be the turn of the Group of Asia-Pacific States to nominate a candidate for the presidency of the Assembly at its twenty-seventh session.

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<sup>40</sup> See [ISBA/26/A/23](#).