



Assembly

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

1. The twenty-third session of the Assembly of the International Seabed Authority was held in Kingston from 7 to 18 August 2017.

I. Adoption of the agenda

2. At its 162nd meeting, on 8 August 2017, the Assembly adopted the agenda of its twenty-third session ([ISBA/23/A/1](#)).

II. Election of the President and Vice-Presidents

3. At the same meeting, the Assembly elected Mr. Eugénio João Muianga (Mozambique), the nominee of the African States Group, as President of the Assembly. The Assembly elected the following as Vice-Presidents: China (Asia-Pacific States Group); Russian Federation (Eastern European States Group); and Jamaica (Latin American and Caribbean States Group). At its 163rd meeting, on 15 August 2017, Australia (Western European and Other States Group) was nominated and duly elected for the remaining position of Vice-President.

4. In his opening statement, the President reflected on the prominence given in recent years to the sustainable use of the oceans. He recognized the importance of the role to be played by the Authority in this regard in cooperating with other intergovernmental organizations, civil society and other stakeholders. He acknowledged the initiatives already undertaken by the Authority, and its contribution to the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development and its preparatory process and for providing all necessary support (the Ocean Conference), held at United Nations Headquarters from 5 to 7 June 2017, and to the “biodiversity beyond national jurisdiction (‘BBNJ’) process”.

5. At its 165th meeting, on 16 August 2017, the President invoked rule 29 of the rules of procedure, and nominated Jamaica to preside over the remainder of the



meeting; Senator Kamina Johnson Smith, Minister for Foreign Affairs and Foreign Trade of Jamaica, presided.

III. Appointment of the Credentials Committee

6. At its 163rd meeting, pursuant to rule 24 of the rules of procedure of the Assembly, and following nominations from the coordinators of the regional groups, the Credentials Committee, consisting of nine members, namely, Belgium, Ghana, Guyana, Lebanon, Myanmar, Norway, Panama, Poland and the Russian Federation, was appointed by the Assembly on the proposal of the President.

IV. Consideration of requests for observer status

7. At its 162th meeting, the Assembly considered a number of applications for observer status. The following organizations were granted observer status to participate in the work of the Assembly: the Secretariat of the Pacific Regional Environment Programme, (ISBA/23/A/INF/1/Rev.1), an intergovernmental organization; the International Policy Laboratory of the Massachusetts Institute of Technology (ISBA/23/A/INF/3); the Center for Polar and Deep Ocean Development of Shanghai Jiao Tong University (ISBA/23/A/INF/4); the International Marine Minerals Society (ISBA/23/A/INF/5), a professional society; and the Institute for Advanced Sustainability Studies (ISBA/23/A/INF/6).

8. In respect of the application made by the non-governmental organization Earthworks (ISBA/23/A/INF/2), a number of delegates expressed concern over the lack of information provided in order to allow them to assess its merits, It was agreed to defer any decision on the granting of observer status to Earthworks until full information, in the standard format in an official document, is received by the Assembly for its consideration.

V. Election to fill vacancies on the Finance Committee

9. Also at its 162th meeting, the Assembly elected Mr. Didier Ortolland, Assistant Director in the Legal Department of the Ministry of Foreign Affairs of France, to fill the vacant seat on the Committee left by Mr. Olivier Guyonvarch for the remainder of his term, ending on 31 December 2021 (ISBA/23/A/6). The Assembly also elected Mr. Yedla Umasankar, First Secretary (Legal Adviser), Permanent Mission of India to the United Nations, to fill the vacant seat on the Committee left by Mr. Koteswara M. Rao for the remainder of his term, ending on 31 December 2021 (ISBA/23/A/7).

10. Following the elections, Mr. Robert Ward, Secretary-General of the International Hydrographic Organization, presented a statement to the Assembly. In his statement the Secretary-General encouraged the Authority to ensure that geospatial and environmental information provided by contractors is made as widely available as possible, and to collaborate in putting in place appropriate data transfer protocols and data exchange standards as part of a contribution to the aims of Sustainable Development Goal 14 and the International Decade of Ocean Science for Sustainable Development 2021-2030 proposed by the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization.

VI. Annual report of the Secretary-General

11. At its 163rd meeting, the Secretary-General introduced his annual report (ISBA/23/A/2) to the Assembly. He acknowledged the excellent working relationship with the host country, Jamaica, and initiatives to build on that relationship. He urged coastal States to deposit with him charts and geographical coordinates regarding the outer limits of their continental shelves, in conformity with article 84 of the Convention. He noted that, since the date of his report, and as at 31 July 2017, 81 per cent of the value of contributions to the 2017 budget due from member States and from the European Union had been received, while 77 per cent of the membership of the Authority had fully paid their 2017 assessed contribution amounts; contributions outstanding for prior periods (1998-2016) had been reduced marginally, to \$553,985.

12. The Secretary-General also highlighted a number of other initiatives, including the restructuring of the secretariat (ISBA/23/A/4), the workshops to advance the development of the regulatory regime and the sensitization seminar, held in Kampala in May 2017, regarding the sustainable development of Africa's "blue" economy and its participation in the deep seabed regime. The Secretary-General noted the increasing demand for sensitization seminars, and encouraged similar financial and in-kind support from member States and interested organizations. He also noted the increased efforts on the part of the Authority to collaborate with other institutions in the collection of scientific data; the progress in implementing the data management strategy; and the need to circulate available training opportunities more effectively. He highlighted the pressures on the Endowment Fund for Marine Scientific Research in the Area to fulfil its mandate, and the urgent need for increased funding. The Secretary-General also informed delegates of the Authority's contribution to the work and discussions of the United Nations Conference to Support the Implementation of Sustainable Development Goal 14 (the Ocean Conference), including a series of voluntary commitments by the Authority.

13. Speaking at the 165th meeting, the Minister for Foreign Affairs and Foreign Trade of Jamaica, Kamina Johnson Smith, welcomed the members of the Authority and thanked the delegates for their kind remarks concerning the Government and people of Jamaica on the occasion of the fifty-fifth anniversary of Jamaica's independence. She urged member States to fulfil their financial obligations to the Authority, and also encouraged them to contribute to the Endowment Fund and the voluntary trust fund, highlighting that adequate funding was essential to facilitate capacity-building and to ensure the representation of developing States in the work of the Authority. She noted the need for an open discussion on acceptable levels of environmental impacts from deep seabed mining, an examination of the precautionary approach, the use of market-based instruments to promote environmental objectives and the development of environmental management plans.

14. The Assembly heard interventions from representatives of the delegations of: Algeria (on behalf of the African States Group), Antigua and Barbuda, Bangladesh, Brazil (on behalf of the Latin American and Caribbean States Group), Cameroon, Canada (also speaking on behalf of Australia and New Zealand), China, Cook Islands, Ecuador, Fiji, France, Ghana, India, Kenya, Japan, Lebanon, Mexico, Morocco, Myanmar, Nauru, Nigeria, the Philippines, Singapore, South Africa, Togo, Tonga, Uganda and the United Kingdom of Great Britain and Northern Ireland. In addition, representatives of the following observers presented statements: the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations Secretariat; the International Cable Protection Committee; the Fish Reef Project; Greenpeace International; World Wildlife Fund International; the Deep Sea

Conservation Coalition; African Minerals Development Centre; and the Pew Charitable Trusts.

15. Many delegations welcomed the report of the Secretary-General, and commended him and his staff for making good progress in a number of areas.

16. In connection with financial and budgetary matters, a number of delegations urged States parties in arrears in their financial contributions to fulfil their obligations, given that the work of the Authority depends on predictable and stable financing. Some delegations emphasized cost-saving measures, including extending the use of remote interpretation for the meetings of organs other than the Legal and Technical Commission and the Finance Committee.

17. With regard to regulatory development, the progressive development of draft exploitation regulations was seen as a positive step towards fulfilling the Authority's mandate, including through the advancement of priority deliverables through the holding of expert workshops. It was highlighted that the development of exploitation regulations is complex, requiring full consideration by the international community, and an appropriate balance between the rights and obligations of the parties. Nevertheless, the urgent need to complete the exploitation regulations and related guidelines was also highlighted. A number of delegations emphasized the need for a transparent and consultative approach to regulatory development, particularly in connection with environmental considerations, and they generally welcomed the Authority's commitment to engage with a wide range of stakeholders. The development of a fit-for-purpose data management strategy, together with transparent data-sharing mechanisms, including data standardization, were seen as being of paramount importance. Delegations also underlined the need for the employment of the best available science, including the flexibility to factor in new scientific evidence, for the precautionary approach, for effective compliance and enforcement responses, as well as for the development of regional environmental plans.

18. Many delegations emphasized the role of capacity-building in supporting participation of developing countries in activities in the Area and in providing for environmental protections in areas beyond national jurisdiction.

19. Many delegates called for contributions to the Endowment Fund and the voluntary trust fund, highlighting the resource constraints faced by many developing States, including small island developing States, to their participation in the work of the Authority. Other stakeholders were also urged to make contributions to the voluntary trust fund. China noted its contribution to the voluntary trust fund. The United Kingdom also noted that it would be making a contribution to the voluntary trust fund. The secretariat was encouraged to make arrangements with universities and scientific institutions in developing countries so as to allow more scientists to benefit from the Endowment Fund. In addition to the need to strengthen the research capacities of developing countries, the importance of benefit-sharing, as a key component of the common heritage regime, together with the promotion of knowledge and technology transfers by the Authority, were emphasized. The value of the Authority's internship programme, was also acknowledged by a number of delegates, although, as highlighted by the Secretary-General, a lack of funding has affected the ability of the programme to distribute places as widely as possible. Additionally, many delegates supported the sensitization work undertaken by the Authority, and its importance in promoting wider participation in the affairs of the Authority.

20. A number of delegations and observers emphasized the importance of continued dialogue with relevant international organizations in order to harmonize the Authority's work towards common goals to benefit humankind as a whole. The

Authority's active participation in the United Nations Ocean Conference was commended in supporting the implementation of Sustainable Development Goal 14, as well as the Authority's active engagement in the biodiversity beyond national jurisdiction ("BBNJ") process. The Authority was encouraged to continue to align its work with that of other United Nations initiatives.

21. Some delegations emphasized the need for greater transparency and inclusiveness in the work of the Authority, and some observers called for open meetings of the Legal and Technical Commission, including effective participation in, and in the review of the outcomes of, workshops for the draft exploitation regulations.

22. The Secretary-General thanked delegates and observers for their contributions to the discussion on his report. He acknowledged the importance of participation in the affairs of the Authority, including sensitization seminars, and referred delegates to the voluntary commitment in partnership with other agencies, notably with the Department of Economic and Social Affairs of the United Nations Secretariat, on developing such programmes. He also highlighted the introduction of the Secretary-General Award for Deep Sea Research Excellence, to be presented annually to young researchers, under the age of 35, from developing countries in recognition of their contribution to the advancement of scientific knowledge of the deep sea environment and the development of sound regulatory frameworks. The Secretary-General thanked China and the United Kingdom for their contributions to the voluntary trust fund, and encouraged others to do likewise. He expressed his appreciation to those member States who are in the process of clearing arrears in their contributions.

VII. Consideration of the final report of the Review Committee established to oversee the implementation of the Convention under article 154

23. At its 165th meeting, Ambassador Helmut Tuerk (Austria), as Chair of the Review Committee, presented the final report of the Review Committee established to carry out the Authority's first periodic review (ISBA/23/A/3). He noted that the Committee had hoped for a higher response rate to the initial questionnaire. He also noted that the Committee had decided not to pursue all recommendations submitted by the consultants, as some were quite far removed from the Authority's practices, and that, while others appeared premature at this stage of the Authority's evolution, they could be considered in the future. Additionally, a cautious and prudent approach with regard to formulating recommendations was taken, such that a consensus within the Assembly might be more easily achieved. For future reviews, he recommended that the review be conducted over a two-year period, thus ensuring the participation of regional group chairs, and that all efforts be made to achieve a higher response rate.

24. At the same meeting, the Secretary-General presented his comments on the final recommendations of the Review Committee (ISBA/23/A/5/Rev.1). He stressed that the Authority could not continue business as usual. He highlighted the need for a strategic plan and a revised schedule to tackle the problem of low participation in the meetings of the Assembly. He proposed a revised meeting schedule, to include two Council meetings per year, within existing budgetary provisions, and, following the suggestion made by the delegate of the Netherlands, the scheduling of the Council meeting before that of the Legal and Technical Commission during the spring session. He noted efforts to streamline the review of contractors' reports, and to add environmental policy expertise in the Secretariat, for consideration by the

Council and the Assembly in the next budgetary cycle. He noted that he did not provide a response to those recommendations that were addressed directly to the Legal and Technical Commission.

25. In connection with the final report of the Review Committee, representatives of the following delegations made statements: Algeria (on behalf of the African States Group), Australia, Belgium, Brazil, Chile, China, France, Germany, India, Jamaica, Japan, Mozambique, Myanmar, the Netherlands, New Zealand, Nigeria, Norway, the Republic of Korea, Singapore, South Africa, Thailand, Tonga, Uganda and the United Kingdom. Representatives of the following observers also made statements: the Pew Charitable Trust; the Center for Polar and Deep Ocean Development; Greenpeace International; the World Wildlife Fund International; the non-governmental agency, InterRidge; the Deep Sea Conservation Coalition, the International Union for Conservation of Nature and the African Minerals Development Centre.

26. Many delegations expressed support for the recommendations contained in the final report, and found that, compared to the interim report, the final recommendations were more appropriate to the immediate issues faced by the Authority. Note was made, however, that there are lessons to be learned from the review methodology and consultation process conducted. One delegation accepted the secretariat's implementation of recommendations aimed at improving its internal processes, but cautioned against implementing recommendations of a strategic nature without guidance from member States.

27. Delegates supported the need for further environmental expertise in the secretariat, while keeping other required skills under review. Calls were also made for greater openness in the work of the secretariat, the Legal and Technical Commission and the Authority as a whole, including the sharing of non-confidential information.

28. With regard to the revised meeting schedule presented by the Secretary-General, concern was expressed by some delegations about limited financial support for developing countries to attend additional meetings. Nevertheless, a proposal to set up a specific voluntary trust fund to cover the costs for more frequent meetings was generally supported. A number of delegations supported the proposal of the Netherlands to convene the Council before meetings of the Legal and Technical Commission. One delegation emphasized the need for more time for the Assembly to examine the reports of the Finance Committee. A suggestion was made by one delegation that a review of the working methods of the Legal and Technical Commission be undertaken in the light of its increasing workload. Some delegations raised concerns about the budgetary implications and cost effectiveness of the revised meeting schedule. Calls were also made for more workshops on environmental, payment and legal issues.

29. With regard to the Legal and Technical Commission, one delegation highlighted the need for further environmental expertise within the Commission. While some delegations favoured open meetings of the Commission, others noted the need to take the confidentiality of the Commission's deliberations into account, including its independence. In connection with the establishment of a working group within the Commission on environmental issues, some delegations supported the idea, although one delegation questioned the recommendation, noting that environmental issues should be addressed in a holistic and integrated way.

30. One delegation suggested creating an economics working group. One observer suggested a new working group to study demand, supply and pricing trends for minerals. One delegation suggested ad hoc, rather than permanent, working groups,

which could, possibly, meet prior to the Commission, without additional budgetary burdens.

31. Regarding data management, one delegation recommended continuously investing in high-quality data management and sharing, as well as reviewing the quality and consistency of data gathered, including for transparency purposes. Other delegations supported the recommendations on sharing environmental data, with one delegation suggesting further efforts to protect data integrity and continued consultations with contractors and other stakeholders to strike an appropriate balance between transparency and commercial sensitivity.

32. Many delegations supported the need for a strategic plan to provide strategic direction, and to assist the formulation of a work programme for the secretariat and to benefit the Authority as a whole. Other delegations and observers recommended a result-oriented strategic plan, complemented by a monitoring and evaluation mechanism for follow-up, budgetary planning and accountability purposes. One delegation also suggested that the Authority conduct an urgent, in-depth study of the policies, technologies, economics, environmental protection measures and development trends linked to the commercial exploitation of deep sea mineral resources.

33. Other observations made by delegates included: the need for transparency in developing the benefit-sharing regime, stressing special consideration for the needs of developing countries; implementation of the recommendations within the approved budget, with calls for additional funding requiring approval by the Assembly; the need for the inclusion of strict environmental requirements for contractors in the exploitation regulations, on the basis of advice from the Council, as well as a caution against selecting members of the Legal and Technical Commission with interests or links with contractors; and a suggestion that the exploitation regulations include a clear requirement on having a domestic legal framework in force before a country can become a sponsoring State.

34. At its 167th meeting, on 17 August 2017, the Secretary-General introduced an additional revised meeting schedule for 2018 and 2019, suggesting a Council meeting before that of the Legal and Technical Commission during the spring session, allowing the Council to give guidance to the Commission. President Muianga also introduced a draft decision, encapsulating all 19 recommendations from the Review Committee, and a proposal to establish a voluntary trust fund for the purpose of defraying the costs of participation of developing countries members of the Council in its second annual meeting. The Chair of the Review Committee guided the delegates through the structure and content of the draft decision.

35. A number of suggested revisions to the text of the draft decision were introduced and discussed by delegates, including consultations between regional groups. Following further discussions, the Assembly adopted a decision on the final report and recommendations of the Review Committee ([ISBA/23/A/13](#)) at its 170th meeting, on 18 August 2017.

36. One observer, the African Minerals Development Centre, pledged its support for a technical workshop to support the African States Group in connection with the development of a fair and equitable fiscal regime. Additionally, the Pew Charitable Trusts reiterated its commitment to lending financial and logistical support to the regulatory development process.

37. Also at the 170th meeting, Ambassador Tuerk congratulated the Assembly on reaching a historic decision, and a great step forward in the Authority's history. In a farewell address to the Assembly, and in farewell to his participation in law-of-the-sea affairs for over 45 years, he wished the Authority a highly successful evolution

in the years ahead. The Assembly and the Secretary-General expressed their gratitude and appreciation to Ambassador Tuerk.

VIII. Report of the Finance Committee

38. At its 168th meeting, the Chair of the Finance Committee, Mr. Andrzej Przybycin (Poland), introduced the report of the Committee ([ISBA/23/A/8-ISBA/23/C/9](#)). The Chair stressed the need to provide guidance so as to prioritize the use of limited funds and confirmed, in connection with the revised meeting schedule, the Secretary-General's comment on budgetary cost-neutrality, while drawing attention to the financial consequences for delegations and the likelihood of increased funding requests for the voluntary trust fund. A decision on financial and budgetary matters, acting on the recommendations of the Council ([ISBA/23/A/12](#)), was adopted by the Assembly, including measures (contained in an annex) to promote the sustainability of the voluntary trust fund.

IX. Consideration of proposed amendments to the Staff Regulations

39. The Assembly adopted a decision on revisions to the staff regulations of the Authority ([ISBA/23/A/11](#)), taking into account the Council's recommendations, reflecting changes in the new compensation package of the United Nations common system.

X. Report of the Credentials Committee

40. The report of the Credentials Committee ([ISBA/23/A/9](#)) was presented to the Assembly by its Chair, Mr. Ye Minn Thein (Myanmar), at its 168th meeting, on 17 August 2017. The Assembly approved the report of the Committee ([ISBA/23/A/10](#)).

XI. Other matters

41. At its 168th meeting, the African States Group proposed, and the Assembly endorsed, the election of Morocco to the Council for the remainder of a four-year term to expire on 31 December 2020, to fill a vacancy in the Council owing to a lack of candidates in 2016. The Assembly congratulated Morocco on its election.

42. At the same meeting, the African States Group proposed setting-up a museum at the site of the Authority, in the name of former Secretary-General, Nii Allotey Odunton (Ghana), to raise awareness on the Authority's work, and to recognize the achievements of Mr. Odunton. The proposal was welcomed by many delegations. A number of delegations raised the matter of budgetary implications, suggesting a working group be set up under the Finance Committee to consider the proposal.

XII. Date of the next session

43. The dates for the twenty-fourth session of the Assembly will be announced in due course. It will be the turn of the Eastern European States Group to nominate a candidate for the presidency of the Assembly in 2018.

44. In his closing remarks, President Muianga expressed his sincere appreciation for the cooperative and timely manner in which the business of the Assembly and other organs had been conducted, and gave thanks to Jamaica for its continued support and hospitality. He noted that while the Authority had achieved much, there remained much to achieve in advancing deliberations towards the development of the common heritage for mankind as a whole.
