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Item 12 of the provisional agenda*

Consideration of matters relating to the Enterprise

Report of the Special Representative of the Secretary-General of the International Seabed Authority for the Enterprise

I. Introduction

1. The present report is submitted in follow-up to the report of the Special Representative of the Secretary-General of the International Seabed Authority for the Enterprise submitted to the Council during the twenty-seventh session of the Authority, held from 21 March to 1 April 2022,¹ which was based on the decision of the Council of 10 December 2021 to extend the mandate of the Special Representative until the end of the twenty-seventh session.

2. In reporting to the Council at that time, the Special Representative reiterated comments made in previous reports on the need for timely action to ensure that the step-by-step approach provided for in the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, on the operationalization of the Enterprise, including the appointment of an interim director general, be implemented.

3. The Special Representative also recommended managerial policy options as well as administrative functions of the interim director general for the administration of the Enterprise for the period from July 2022 to December 2023, in the event that the Council took a decision on the appointment of an interim director general.

II. Activities undertaken by the Special Representative

4. During the first two parts of the twenty-seventh session of the Council, the Special Representative participated actively in the deliberations of the Council and the work of the special working groups. In addition, he engaged in bilateral consultations with individual delegations, representatives of regional groups and civil

* ISBA/28/C/L.1.

¹ ISBA/27/C/14 and ISBA/27/C/14/Corr.1.



society on matters on the agenda of the Council, especially on issues related to the Enterprise, including its timely operationalization.

5. Owing to other commitments, the Special Representative was unable to participate in the third part of the twenty-seventh session of the Council, in November 2022. However, he kept abreast of the deliberations remotely and engaged in consultations with representatives of the Group of African States and others on the draft decision of the Council on the appointment of an interim director general.

6. It has, however, been observed that the Council did not request that the Secretary-General take any action to extend the mandate of the Special Representative of the Secretary-General for the Enterprise for its twenty-eighth session.

III. Future action required

7. Accordingly, the Special Representative wishes to reiterate comments made in his report to the Council during the twenty-seventh session, as well as in other reports, on the need for appropriate and timely action to ensure that the step-by-step approach provided for in the 1994 Agreement on the operationalization of the Enterprise be realized through the appointment of an interim director general.

8. The required action by the Council would allow the Enterprise to:

(a) Perform the functions of the Enterprise as listed under section 2 of the annex to the Agreement;

(b) Continue to provide much-needed input on the development of the regulations on exploitation on an ongoing and not exceptional basis, as is currently the case;

(c) Represent the interests of the Enterprise in annual sessions of the Authority, as well as in other undertakings related to the implementation of part XI of the Convention and the Agreement.

9. The Council is invited to take note of the present report.
