

27th Session

SELECTED DECISIONS AND DOCUMENTS





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INTERNATIONAL SEABED AUTHORITY

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Content

ASSEMBLY

ISBA/27/A/2

Report of the Secretary-General of the International Seabed Authority under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea

ISBA/27/A/2/Add.1

Report of the Secretary-General of the International Seabed Authority under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea

ISBA/27/A/4

Implementation of the action plan of the International Seabed Authority in support of the United Nations Decade of Ocean Science for Sustainable Development

ISBA/27/A/8–ISBA/27/C/36

Report of the Finance Committee

ISBA/27/A/10

Decision of the Assembly of the International Seabed Authority relating to financial and budgetary matters

ISBA/27/A/11

Decision of the Assembly of the International Seabed Authority relating to the implementation of a programmatic approach to capacity development

ISBA/27/A/14

Decision of the Assembly of the International Seabed Authority relating to the election to fill the vacancies on the Council of the Authority in accordance with article 161, paragraph 3, of the United Nations Convention on the Law of the Sea

ISBA/27/A/15

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

COUNCIL

ISBA/27/C/2

Report of the Chair of the Legal and Technical Commission summarizing stakeholder feedback on the phase 1 draft standards and guidelines

ISBA/27/C/14

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

ISBA/27/C/14/Corr.1

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

ISBA/27/C/15

Application for extension of the contract for exploration for polymetallic nodules between the Government of India and the International Seabed Authority. Report and recommendations of the Legal and Technical Commission

ISBA/27/C/16

Report of the Chair of the Legal and Technical Commission on the work of the Commission at the first part of its twenty-seventh session

ISBA/27/C/16/Add.1

Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its twenty-seventh session

ISBA/27/C/16/Add.2

Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its twenty-seventh session

ISBA/27/C/17

Report on the relinquishment of one third of the area allocated to the Japan Oil, Gas and Metals National Corporation (JOGMEC) under the contract for exploration for cobalt-rich ferromanganese crusts between JOGMEC and the International Seabed Authority

ISBA/27/C/18

Decision of the Council of the International Seabed Authority relating to an application by the Government of India for extension of a contract for exploration for polymetallic nodules between the Government of India and the Authority

ISBA/27/C/19

Decision of the Council of the International Seabed Authority on the deferral of the schedule of relinquishment upon request by the Federal Institute for Geosciences and Natural Resources

ISBA/27/C/20

Decision of the Council of the International Seabed Authority relating to the election in 2022 of members of the Legal and Technical Commission

ISBA/27/C/21

Statement by the President of the Council on the work of the Council during the first part of the twenty-seventh session

ISBA/27/C/21/Add.1

Statement by the President of the Council on the work of the Council during the second part of the twenty-seventh session

ISBA/27/C/21/Add.2

Statement by the President of the Council on the work of the Council during the third part of the twenty-seventh session

ISBA/27/C/25

Operationalization of the Economic Planning Commission

ISBA/27/C/27

Implementation of the decision of the Council in 2021 relating to the reports of the Chair of the Legal and Technical Commission. Report of the Secretary-General

ISBA/27/C/31

Report on the relinquishment of 75 per cent of the area allocated to the China Ocean Mineral Resources Research and Development Association (COMRA) under the contract for exploration for polymetallic sulphides between COMRA and the International Seabed Authority

ISBA/27/C/32

Report on the relinquishment of one third of the area allocated to the China Ocean Mineral Resources Research and Development Association (COMRA) under the contract for exploration for cobalt-rich ferromanganese crusts between COMRA and the International Seabed Authority

ISBA/27/C/34

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

ISBA/27/C/37

Guidance to facilitate the development of regional environmental management plans. Report and recommendations by the Legal and Technical Commission

ISBA/27/C/38

Regional environmental management plan for the Area of the northern Mid-Atlantic Ridge with a focus on polymetallic sulphide deposits. Issued by the Legal and Technical Commission

ISBA/27/C/39

Decision of the Council of the International Seabed Authority on the deferral of the schedule of relinquishment upon request by the Institut français de recherche pour l'exploitation de la mer

ISBA/27/C/40

Decision of the Council of the International Seabed Authority relating to financial and budgetary matters

ISBA/27/C/41

Decision of the Council of the International Seabed Authority relating to the election of members of the Legal and Technical Commission

ISBA/27/C/41/Add.1

Decision of the Council of the International Seabed Authority relating to the election of members of the Legal and Technical Commission Addendum

ISBA/27/C/42

Decision of the Council of the International Seabed Authority relating to the development of binding environmental threshold values

ISBA/27/C/43

Decision of the Council of the International Seabed Authority relating to the commissioning by the secretariat of a study on the internalization of environmental costs of exploitation activities the Area into the production costs of minerals from the Area

ISBA/27/C/44

Decision of the Council of the International Seabed Authority relating to the reports of the Chair of the Legal and Technical Commission

ISBA/27/C/45

Decision of the Council of the International Seabed Authority relating to the possible scenarios and any other pertinent legal considerations in connection with section 1, paragraph 15, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea



Assembly

Distr.: General
24 May 2022

Original: English

Twenty-seventh session

Kingston, 1–5 August 2022

Item 9 of the provisional agenda*

**Annual report of the Secretary-General under article 166,
paragraph 4, of the United Nations Convention on the
Law of the Sea**

Report of the Secretary-General of the International Seabed Authority under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea

I. Introduction

1. The present report is submitted to the Assembly of the International Seabed Authority pursuant to article 166, paragraph 4, of the United Nations Convention on the Law of the Sea of 1982.

2. The report is presented in the new format followed in 2020¹ and 2021.² It provides information on the status of the Convention and related legal instruments, the status of the Area, the status of contributions to the budget of the Authority, the status of contracts for exploration in the Area and a summary of the main outcomes of the previous session of the Authority. In addition, a fully illustrated and separate report, entitled “Ensuring the sustainable management and stewardship of the deep seabed and its resources for the benefit of humankind” has been issued. This should be read in conjunction with the present report.

II. Membership of the Authority

3. All States parties to the Convention are ipso facto members of the Authority. As at 22 May 2022, there were 168 parties to the Convention (167 States and the European Union), and thus there were 168 members of the Authority. No new ratifications or accessions to the Convention took place during the reporting period.

4. As at the same date, there were 151 parties 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 (150 States and the European Union). There are therefore

* ISBA/27/A/L.1.

¹ See ISBA/26/A/2.

² See ISBA/26/A/2/Add.1.



still 17 members of the Authority that had become parties to the Convention before the adoption of the Agreement and that have yet to become parties to it, namely, Bahrain, the Comoros, the Democratic Republic of the Congo, Djibouti, Dominica, Egypt, the Gambia, Guinea-Bissau, Iraq, Mali, the Marshall Islands, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Somalia and the Sudan.

5. As provided under General Assembly resolution [48/263](#) and the 1994 Agreement itself, the provisions of the Agreement and of part XI of the Convention are to be interpreted and applied together as a single instrument. The provisions of the Agreement shall prevail in the event of any inconsistency between the two. Although members of the Convention that are not parties to the Agreement necessarily participate in the work of the Authority, becoming a party to the Agreement would remove any potential conflict, and they are strongly encouraged to become parties at the earliest opportunity. For that purpose, each year since 1998, the Secretary-General writes to the States concerned urging them to become party to the Agreement, and he did so again on 11 February 2022.

III. The Area

6. The Area is defined in the Convention as the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction. Establishing the exact geographical limits of the Area thus depends on the delineation of the limits of national jurisdiction, including the delineation of the continental shelf extending beyond 200 nautical miles from the baseline of the territorial sea. 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. Ten 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, the Kerguelen islands, Martinique, New Caledonia, Reunion and the Saint-Paul and Amsterdam islands), Ireland, Mauritius, Mexico, Niue, Pakistan, the Philippines and Tuvalu.

7. An obvious difficulty for the Authority and its members is that, until the precise delineation of all areas of continental shelf up to and beyond 200 nautical miles is known, the geographical limits of the Area cannot be established with any certainty. The Secretary-General therefore 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. Each year, the secretariat sends out a note verbale requesting the deposit of such charts or lists of coordinates. The last such note was sent out on 31 January 2022.

IV. Protocol on the Privileges and Immunities of the International Seabed Authority

8. The Protocol on the Privileges and Immunities of the International Seabed Authority was adopted by the Assembly on 27 March 1998 and entered into force on 31 May 2003. There are 47 parties to the Protocol: Albania, Antigua and Barbuda, Argentina, Austria, Brazil, Bulgaria, Burkina Faso, Cameroon, Chile, Croatia, Cuba, Czechia, Denmark, Egypt, Estonia, Finland, France, Georgia, Germany, Ghana, Guinea, Guyana, India, Iraq, Ireland, Italy, Jamaica, Jordan, Lithuania, Mauritius, Mozambique, Netherlands, Nigeria, Norway, Oman, Panama, Poland, Portugal,

Romania, Senegal, Slovakia, Slovenia, Spain, Togo, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland and Uruguay. A further 11 States have signed the Protocol but have yet to ratify it: Bahamas, Côte d'Ivoire, Greece, Indonesia, Kenya, Malta, Namibia, North Macedonia, Pakistan, Saudi Arabia and Sudan. The number of parties has remained unchanged since the previous report.

9. The Protocol, among other things, provides essential protection to representatives of members of the Authority who attend meetings of the Authority or who travel to and from those meetings. It also accords to experts on missions for the Authority such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions and the time spent on journeys in connection with their missions.

10. Members of the Authority that are not yet parties are strongly encouraged to take the steps necessary to become parties to the Protocol at their earliest convenience. The secretariat sent out a note verbale to that effect on 11 February 2022.

V. Budget and status of contributions

A. Budget

11. At its twenty-sixth session, on 31 December 2020, the Assembly approved the budget for the financial period 2021–2022 in the amount of \$19,411,280.³

B. Status of contributions

12. 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 30 April 2022, 59 per cent of the value of contributions to the 2022 budget due from member States and the European Union had been received.

13. As at 30 April 2022, outstanding contributions from member States for the previous financial periods (1998–2021) amounted to \$1,139,758. Notices on the arrears are sent on a regular basis to the member States concerned. In accordance with article 184 of the Convention and rule 80 of the rules of procedure of the Assembly, a member of the Authority that is in arrears in the payment of its financial contributions shall have no vote if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. As at 30 April 2022, the following 60 members of the Authority had been in arrears for two years or more: Angola, Barbados, Belize, Benin, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chad, Comoros, Congo, Cuba, Democratic Republic of the Congo, Djibouti, Dominica, Equatorial Guinea, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Haiti, Honduras, Iraq, Jordan, Kuwait, Lesotho, Liberia, Malawi, Mali, Marshall Islands, Mauritania, Mongolia, Montenegro, Namibia, Nepal, Niger, Nigeria, Niue, North Macedonia, Oman, Palau, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Somalia, State of Palestine, Sudan, Suriname, Togo, Tunisia, Uganda, United Republic of Tanzania and Yemen.

³ See [ISBA/26/A/19](#).

14. As at 30 April 2022, the balance of the working capital fund stood at \$692,695, against an approved level of \$750,000.

15. Each contractor is required to pay an annual overhead charge for the supervision and administration of contracts for exploration. The charge is payable at the time of submission of the annual report (31 March each year). For 2022, 31 annual reports were due for submission, representing a total revenue in terms of overhead charges of \$2,480,000. All contractors have paid their overhead charges in full and no amounts are outstanding.

C. Status of the voluntary trust funds

16. As at January 2022, the capital of the Endowment Fund for Marine Scientific Research in the Area stood at \$3,563,567. In its decision relating to the implementation of a programmatic approach to capacity development,⁴ 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, in particular 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 2022.⁵

17. 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 30 April 2022, the balance stood at \$180,334, including a recent contribution from the United Kingdom (\$10,000) and voluntary contributions of \$6,000 each from five contractors in 2021.⁶

18. 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, as at 30 April 2022, the balance was \$24,073, including a recent contribution by the United Kingdom (\$10,000).

19. 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 \$17,082.

20. With regard to the voluntary trust fund for extrabudgetary support for the Authority, contributions for a total of \$1,995,663 had been received. The balance of the fund on 30 April 2022 was \$735,565.

VI. Secretariat

21. The main functions of the Secretariat include providing support to the Secretary-General; producing reports and other documents that facilitate the deliberations and decision-making by the other principal organs; producing publications, information bulletins and analytical studies, and disseminating information on the activities and decisions of the Authority; organizing and servicing expert group meetings, seminars

⁴ [ISBA/26/A/18](#).

⁵ See [ISBA/27/FC/3](#).

⁶ During the twenty-fourth session, the Assembly decided, as an interim solution and on a voluntary basis, to add an additional contribution of \$6,000 to the annual overhead charge invoice to the contractors on an opt-out basis. Contributions would be allocated as a contribution to the voluntary trust fund for the purpose of defraying the cost of participation of members of the Legal and Technical Commission and of the Finance Committee from developing countries in the meetings of the Commission and of the Committee (see [ISBA/24/A/11](#)).

and workshops; implementing the work programmes and policies laid down by the other principal organs; ensuring compliance with plans of work for exploration and exploitation; and performing the functions of the Enterprise until it begins to operate independently.

22. The number of established posts in the secretariat as at 1 January 2022 was 48 (28 Professional, 1 National Professional Officer and 19 General Service), with 5 additional positions supported with extrabudgetary funds and programmes. During 2022, three staff members left the organization (one resignation, one end of secondment and one retirement). Sixty per cent of the staff of the secretariat are women.

23. As a participant in the United Nations common system of organizations, the Authority contributes to and participates in the work of the International Civil Service Commission and uses United Nations services and tools such as Inspira, the United Nations Global Centre for Human Resources Services (“OneHR”), and the Department of Safety and Security. The Authority also contributes to the United Nations security management system. This ensures access to disaster evacuation arrangements and medical evacuations and enables the Authority to participate in the Inter-Agency Security Management Network and relevant working groups on security training. The Authority is not currently a member of the Chief Executives Board for Coordination but is considering an invitation to join three of the Board’s relevant networks as an observer, namely the Human Resources Network, the Finance and Budget Network, and the Digital and Technology Network.

24. As most other United Nations common system organizations, the Authority has established a two-tier system of administration of justice. The first instance process comprises the Joint Appeals Board established in accordance with chapter XI of the Staff Rules. Rulings by the Joint Appeals Board are subject to appeal before the United Nations Appeals Tribunal. The Tribunal further is competent to hear an appeal of a decision of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board, alleging non-observance of the regulations of the United Nations Joint Staff Pension Fund.⁷ In 2022, in the light of recent developments in the jurisprudence of the United Nations Appeals Tribunal, it became necessary for the Secretary-General to amend the Staff Rules of the Authority in order to ensure that the Joint Appeals Board was vested with the power to produce a written decision that was binding on both an appellant and the Secretary-General.⁸ Consequential amendments were also made to the Agreement between the United Nations and the Authority extending the competence of the United Nations Appeals Tribunal to the International Seabed Authority with respect to applications alleging non-compliance with the terms of appointment or contracts of employment of staff members of the International Seabed Authority.⁹

VII. Previous sessions of the Authority

A. Twenty-sixth session of the Authority

25. It is recalled that the twenty-sixth session of the Assembly was declared open on 5 October 2020. The Permanent Representative of France to the Authority, Denis Wibaux, was elected as President of the Assembly for the twenty-sixth session. During 2020 and 2021, the Assembly took a number of decisions under silence

⁷ As a member of the United Nations Joint Staff Pension Fund, the Authority is subject to the jurisdiction of the United Nations Appeals Tribunal with respect to such matters.

⁸ See [ISBA/ST/SGB/2020/1/Amend.1](#).

⁹ [ISBA/16/C/4](#), annex I.

procedure. The Assembly resumed face-to-face meetings in Kingston on 13 December 2021.

26. At its meetings held from 13 to 15 December 2021, the Assembly took note of the decisions adopted under silence procedure.¹⁰ The Assembly held a general debate on the annual report of the Secretary-General.¹¹ It also considered the reports on the implementation of the strategic plan and the high-level action plan of the Authority for the period 2019–2023, and the report of the Secretary-General on the implementation of the action plan of the Authority in support of the United Nations Decade of Ocean Science for Sustainable Development.¹² After considering the report of the Secretary-General on the action plan, the Assembly decided to: (a) take note of the information provided in the report; (b) request the Secretary-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.

27. The Assembly considered a supplementary report of the Finance Committee¹³ and adopted a decision on financial and budgetary matters.¹⁴ The Assembly took note of a report of the Finance 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.¹⁵

28. The Assembly elected three members to fill vacancies on the Finance Committee for the remainder of the current term ending on 31 December 2022, namely: Christopher Hilton (United Kingdom), Kajal Bhat (India) and Thiago Poggio Padua (Brazil).

29. The Assembly granted observer status to the Sasakawa Peace Foundation and OceanCare.

B. Resumed meetings of the Council

30. The Council resumed face to face meetings in Kingston, Jamaica, from 6 to 10 December 2021 under the Presidency of Rear Admiral (retired) Mohammad Khurshed Alam (Bangladesh). The Council took note of the decisions it had taken under silence procedure in 2020 and 2021¹⁶ and adopted a roadmap to advance the work on the draft regulations on exploitation of mineral resources in the Area in 2022.¹⁷

31. The Council approved seven applications for the extension for a period of five years of seven contracts for exploration for polymetallic nodules in the Area, submitted by, respectively, Interoceanmetal Joint Organization, JSC Yuzhmorgeologiya, the Government of the Republic of Korea, Deep Ocean Resources Development Co. Ltd., the China Ocean Mineral Resources Research and

¹⁰ See ISBA/26/A/29.

¹¹ ISBA/26/A/2 and ISBA/26/A/2/Add.1.

¹² ISBA/26/A/25.

¹³ ISBA/26/A/10/Add.1-ISBA/26/C/21/Add.1.

¹⁴ ISBA/26/A/33.

¹⁵ ISBA/26/A/24-ISBA/26/C/39.

¹⁶ See ISBA/26/C/48.

¹⁷ See ISBA/26/C/13/Add.1, annex.

Development Association, the Institut français de recherche pour l'exploitation de la mer and the Federal Institute for Geosciences and Natural Resources.¹⁸

32. The Council adopted a decision relating to the review of the environmental management plan for the Clarion-Clipperton Zone, including the approval of designation of four additional areas of particular environmental interest to enhance the effectiveness of the network of areas of particular environmental interest in the Clarion-Clipperton Zone.¹⁹

33. The Council decided to extend the mandate of the Special Representative of the Secretary-General for the Enterprise until the end of the twenty-seventh session of the Council and decided to continue its consideration of issues relating to the Enterprise at its next session.²⁰

34. The Council elected Ramesh Sethuraman (India) to fill the vacant seat on the Legal and Technical Commission for the remaining part of the current term, until 31 December 2022.

35. In addition, the Council approved a memorandum of understanding between the Authority and the Indian Ocean Rim Association.

36. The first part of the twenty-seventh session of the Council was held from 21 March to 1 April 2022 in hybrid format. Tomasz Abramowski (Poland) was elected as the President of the Council for the twenty-seventh session.

37. During its meetings, the Council approved an application for the extension by a period of five years of the contract for exploration for polymetallic nodules issued to the Government of India.²¹

38. As a matter of priority, the Council continued to consider the draft Regulations on the exploitation of mineral resources in the Area.²² The three informal working groups established by the Council in February 2021 held their first in-person meetings and discussed the following: (a) the protection and preservation of the marine environment (facilitator: Raijeli Taga (Fiji)); (b) inspection, compliance and enforcement (facilitator: Maureen P. Tamuno (Nigeria)); and (c) institutional matters, (cofacilitators: 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 submit their respective texts to the Council for its consideration during the second part of the meetings, in July 2022.

39. The Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract, chaired by Olav Myklebust (Norway), held its fourth in-person meeting on 21 and 22 March. The Chair will submit a briefing note to the Council for its consideration in July 2022.

40. The Council heard an oral report delivered by the Chair of the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract, and oral reports by the facilitators of the three informal working groups.²³

¹⁸ See [ISBA/26/C/49](#), [ISBA/26/C/50](#), [ISBA/26/C/51](#), [ISBA/26/C/52](#), [ISBA/26/C/53](#), [ISBA/26/C/54](#) and [ISBA/26/C/55](#).

¹⁹ [ISBA/26/C/58](#).

²⁰ See [ISBA/26/C/57](#).

²¹ See [ISBA/27/C/15](#) and [ISBA/27/C/18](#).

²² [ISBA/27/C/15](#)

²³ See [ISBA/27/C/21](#), annex.

41. The Council considered the report of the Chair of the Legal and Technical Commission on the work of the Commission at the first part of its twenty-seventh session.²⁴

42. The Council also considered the report of the Special Representative of the Secretary-General for the Enterprise.²⁵

VIII. Status of contracts for exploration

43. Contracts currently pertain to each of the three mineral resources for which the Authority has adopted regulations on prospecting and exploration. These are polymetallic nodules, polymetallic sulphides and cobalt-rich ferromanganese crusts.

44. As at 31 May 2022, 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.

45. In January 2022, the Secretary-General informed members of the Authority of a notification by Companhia de Pesquisa de Recursos Minerais S.A. (CPRM) of its intention to renounce without penalty the whole of its rights in the exploration area as defined in its contract for the exploration of cobalt-rich ferromanganese crusts, and of a notification from Brazil terminating its sponsorship of CPRM. The contractor has undertaken to fulfil all outstanding legal responsibilities under the contract and the precise nature of those responsibilities, and the timing of their implementation, remains under discussion between the secretariat, the contractor and the sponsoring State.

46. On 21 December 2021, the Secretary-General received an application for approval of a plan of work for exploration for polymetallic nodules in the Clarion-Clipperton Zone in the Pacific Ocean submitted by Circular Metals Tuvalu Ltd. pursuant to the regulations on prospecting and exploration for polymetallic nodules in the Area. The Legal and Technical Commission commenced consideration of the application in March 2022.

IX. United Nations General Assembly and meetings of States parties to the Convention

47. 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. 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 and United Nations Legal Counsel, the President of the International Court of Justice and the Chair of the Commission on the Limits of the Continental Shelf.

48. During the thirty-second Meeting of States parties to the Convention, held from 13 to 17 June 2022, the Secretary-General provided information on the activities carried out by the Authority since the previous Meeting of States Parties.

²⁴ [ISBA/27/C/16](#).

²⁵ [ISBA/27/C/14](#).

X. Intergovernmental Conference 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

49. On 15 March 2022, the Secretary-General delivered a statement at the fourth meeting of the Intergovernmental Conference 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.

50. The statement highlighted a set of issues of potential relevance to the discussions at the Intergovernmental Conference. In his statement, the Secretary-General, in view of the mandate of the Intergovernmental Conference, referred to matters of consistency with the Convention and the 1994 Agreement. He also mentioned intersectoral cooperation for the effective management of marine biodiversity, including some of the cooperative arrangements that the Authority has concluded with competent international organizations. In addition, he described the progress made on possible arrangements for the equitable sharing of benefits, and outlined multiple initiatives on capacity-building and training undertaken in accordance with the mandate of the Authority under the Convention. In closing, he expressed his readiness to discuss further with delegations how the Authority could provide support, within its existing mandate, with regard to the responsibilities identified for the mechanisms that will be put in place to give life to the new implementing agreement under negotiation by the Intergovernmental Conference.

XI. Report on the implementation of the strategic plan of the Authority for the period 2019–2023

51. Pending the approval of the first plan of work for exploitation, the Authority is to concentrate on the 11 areas of work listed in paragraph 5 of section 1 of the annex to the 1994 Agreement. In the light of the outcome of the first periodic review of the international regime of the Area pursuant to article 154 of the Convention, the Assembly adopted, in 2018, the first strategic plan of the Authority, for the period 2019–2023.²⁶ The strategic plan embodies the vision for the implementation of part XI and other provisions relating to the Area under the Convention and the Agreement. The plan gives direction to the development and implementation of the mandate of the Authority under the Convention and the Agreement, taking into consideration the current and projected workload, resources and capacity, as well as other relevant international agreements, processes, principles and objectives, including the 2030 Agenda for Sustainable Development. The strategic plan was completed by the adoption by the Assembly, at its twenty-fifth session, of the high-level action plan of the Authority for the period 2019–2023.²⁷ In the same decision, the Assembly also adopted a set of performance indicators to assess the performance of the Authority with regard to implementing the strategic directions set out in the strategic plan. Each indicator has been conceived to enable the monitoring and measurement of achievements under the strategic plan throughout its five-year span.

²⁶ [ISBA/24/A/10](#), annex.

²⁷ See [ISBA/25/A/15](#) and [ISBA/25/A/15/Corr.1](#).

52. A first assessment of performance indicators for 2019 and 2020 (as at 31 May 2020) was compiled by the secretariat and annexed to the report of the Secretary-General to the Assembly at its twenty-sixth session.²⁸ It forms the baseline for monitoring possible improvements against the indicators. An assessment for the period 2021–2022 will be provided to the Assembly in 2022.

53. The first assessment of performance indicators for the reporting period 2019–2020 (as at 31 May 2020) was compiled by the secretariat and annexed to the report submitted in July 2020 ([ISBA/26/A/2](#), annex I.A). In November 2021, the Secretary-General submitted an addendum to the report ([ISBA/26/A/2/Add.1](#)). In line with the practice followed to date, an updated and consolidated assessment against performance indicators will be provided in 2023 in the context of the annual report of the Secretary-General. Further information on the status of completion of high-level actions and associated outputs assigned to the secretariat for the reporting period 2021–2022 can be found in [ISBA/27/A/2/Add.1](#).

²⁸ [ISBA/26/A/2](#).



Assembly

Distr.: General
10 June 2022

Original: English

Twenty-seventh session

Kingston, 1–5 August 2022

Item 9 of the provisional agenda*

Annual report of the Secretary-General under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea

Report of the Secretary-General of the International Seabed Authority under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea

Addendum

Implementation of the strategic plan of the Authority for the five-year period 2019–2023

I. Performance indicators

1. The set of performance indicators developed for each priority under the strategic directions of the Authority as set out in the strategic plan was adopted by the Assembly of the International Seabed Authority at its twenty-fifth session ([ISBA/25/A/15](#)).
2. As outlined in the previous report of the Secretary-General of the International Seabed Authority under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea, each indicator has been conceived to enable the monitoring and measurement of achievements under the strategic plan throughout its five-year span.¹ The first assessment of performance indicators for 2019 and 2020 (as at 31 May 2020) was compiled by the secretariat and is annexed to the previous report of the Secretary-General submitted in July 2020.² In November 2021, the Secretary-General presented an addendum to the report.³ Following current practice, an updated and consolidated assessment against performance indicators will be provided in the context of the annual report of the Secretary-General in 2023.

* [ISBA/27/A/L.1](#).

¹ See [ISBA/26/A/2](#), para. 30.

² See [ISBA/26/A/2](#), annex I.A.

³ [ISBA/26/A/2/Add.1](#).



II. Status of completion of high-level actions and associated outputs assigned to the secretariat for the reporting period 2021–2022

3. In its decision [ISBA/25/A/15](#) and [ISBA/25/A/15/Corr.1](#), the Assembly recalled that it was committed to the strengthening of existing working practices of the Authority and, accordingly, invited members of the Authority and observers, as well as the organs of the Authority, to support the implementation of the strategic plan and the high-level action plan.

4. For the reporting period 2021–2022, the secretariat has been assigned some responsibilities for 61 high-level actions, with 103 associated outputs, as listed in annex II. In three cases, no specific output has been identified and, therefore, the reporting specifically addresses the high-level action of interest (see high-level actions 3.2.2, 5.2.2 and 9.3.3). Accordingly, the total number of items identified for the present reporting period is 106. The secretariat is identified as the organ responsible for 79 outputs, the associated organ for 19 outputs and the coordinating organ for 8 outputs.

5. As at 10 June 2022, 79 per cent (84) of the assigned high-level actions and the outputs had been completed, while 20 per cent (21) were still in progress and expected to be achieved by the end of the year (see annex I). One high-level action (4.5.2) under strategic direction 4 (promote and encourage marine scientific research in the Area) had been put temporarily on hold to allow the Council of the Authority to complete its task in relation to this action. All outputs assigned for the reporting period under strategic directions 1 (realize the role of the Authority in a global context), 2 (strengthen the regulatory framework for activities in the Area), and 7 (ensure equitable sharing and financial and other economic benefits) were completed. Outputs under strategic directions 4 (promote and encourage marine scientific research in the Area), 6 (ensure fully integrated participation by developing States), 8 (improve the organization performance of the Authority), 9 (commit to transparency) have been completed at 80 per cent. Details of the work undertaken against all outputs were compiled by the secretariat and are available in annex II to the present document.

Annex I

**Status of completion of high-level actions assigned to the
secretariat and associated outputs for the reporting period
2021–2022**

<i>Strategic directions</i>	<i>Number of relevant items to the reporting period</i>	<i>Completed</i>			<i>In progress</i>	<i>On hold</i>	<i>Completion rate (percentage)</i>
		<i>Ongoing</i>	<i>Achieved</i>				
Strategic direction 1: realize the role of the Authority in a global context	14	14	–	–	–	100	
Strategic direction 2: strengthen the regulatory framework for activities in the Area	6	5	1	–	–	100	
Strategic direction 3: protect the marine environment	13	6	2	5	–	61.5	
Strategic direction 4: promote and encourage marine scientific research in the Area	11	8	1	1	1	81	
Strategic direction 5: build capacity for developing States	11	5	–	6	–	45	
Strategic direction 6: ensure fully integrated participation by developing States	10	6	2	2	–	80	
Strategic direction 7: ensure equitable sharing of financial and other economic benefits	1	–	1	–	–	100	
Strategic direction 8: improve the organizational performance of the Authority	22	16	2	4	–	81	
Strategic direction 9: commit to transparency	18	15	–	3	–	83	
Total	106	75	9	21	1	79	

Annex II

Status of implementation by the secretariat of the relevant high-level actions and associated outputs for the reporting period 2021–2022

The status of implementation by the secretariat of the relevant high-level actions and associated outputs for the reporting period 2021–2022 is available (in English only) at the following URL: https://isa.org.jm/files/files/documents/ISBA_27_A_2_Add_1_E.pdf.



Assembly

Distr.: General
9 June 2022

Original: English

Twenty-seventh session

Kingston, 1–5 August 2022

Item 9 of the provisional agenda*

**Annual report of the Secretary-General under article 166,
paragraph 4, of the United Nations Convention on the
Law of the Sea**

Implementation of the action plan of the International Seabed Authority in support of the United Nations Decade of Ocean Science for Sustainable Development

Report of the Secretary-General

I. Introduction

1. Pursuant to the United Nations Convention on the Law of the Sea¹ and the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982,² the International Seabed Authority is mandated to promote and encourage the conduct of marine scientific research in the Area and to coordinate and disseminate the results of scientific research and analysis when available. Under the Convention, the Authority may also carry out marine scientific research concerning the Area. In addition, the Authority is required to encourage the design and implementation of appropriate programmes for the benefit of developing and technologically less developed States with a view to strengthening their research capabilities, training their personnel in the techniques and applications of research and fostering the employment of their qualified personnel in research in the Area.³

2. Following the proclamation in 2017, by the General Assembly at its seventy-second session of the United Nations Decade of Ocean Science for Sustainable Development from 2021 to 2030,⁴ the Assembly of the Authority adopted in December 2020 a dedicated action plan in support of the United Nations Decade (the Action Plan for Marine Scientific Research).⁵ The Action Plan is structured around

* [ISBA/27/A/L.1](#).

¹ United Nations Convention on the Law of the Sea, art. 143 (2).

² 1994 Agreement, para. 5 (h).

³ United Nations Convention on the Law of the Sea, art. 143 (3).

⁴ General Assembly resolution [72/73](#), para. 292.

⁵ See [ISBA/26/A/17](#).



six strategic research priorities, it being recognized that its content will continue to evolve as new strategic research priorities are identified and endorsed by the members of the Authority.⁶

3. The importance of the United Nations Decade is also highlighted in the context of the strategic plan⁷ and the high-level action plan⁸ of the Authority for the period 2019–2023. In both plans, the commitment of the Authority to contributing to the achievement of relevant Goals and targets of the 2030 Agenda for Sustainable Development is recognized, in particular Goal 14 (Conserve and sustainably use the oceans, seas and marine resources for sustainable development).

4. The commitment of the Authority is reflected in the nine strategic directions that have substantial implications for advancing marine scientific research in the Area, and the 12 high-level actions and 14 associated outputs that have been identified as relevant for contributing to the four scientific objectives of the United Nations Decade.⁹

5. The present progress report, which is the second implementation report on the Action Plan for Marine Scientific Research, provides an overview of the progress made from November 2021 to June 2022.

II. Progress in the implementation

6. The present report follows the six strategic research priorities contained in the Action Plan for Marine Scientific Research.

A. Strategic research priority 1: advancing scientific knowledge and understanding of deep-sea ecosystems, including biodiversity and ecosystems functions, in the Area

7. Under strategic research priority 1, emphasis is placed on enhancing the scientific knowledge of deep-sea ecosystems as a critical knowledge base for ensuring the sustainable development of activities in the Area, as well as for achieving an enhanced understanding of the contribution of the deep sea to global environmental and societal benefits. A fundamental condition of this strategic research priority lies in the coordination of research efforts and the promotion of cooperation among key relevant stakeholders, including academic communities, the private sector and governmental and non-governmental institutions.

8. In June 2022, in the margins of the 2022 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 (Ocean Conference) in Lisbon, the secretariat launched the Sustainable Seabed Knowledge Initiative. The goal of the Initiative is to establish a global knowledge-sharing platform to advance scientific understanding of deep-sea ecosystems in the Area. The Initiative is supported by the Governments of Argentina, the Republic of Korea, South Africa and the United Kingdom of Great Britain and Northern Ireland and the

⁶ Ibid.

⁷ ISBA/24/A/10, annex.

⁸ ISBA/25/A/15, annex II.

⁹ Four scientific objectives have been identified to guide the design and implementation of actions during the United Nations Decade of Ocean Science for Sustainable Development, namely: (a) to increase the capacity to generate, understand, manage and use ocean knowledge; (b) to identify and generate required ocean data, information and knowledge; (c) to build a comprehensive understanding of the ocean and ocean governance systems; and (d) to increase the use of ocean knowledge.

European Commission, 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 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.

B. Strategic research priority 2: standardizing and innovating methodologies for deep-sea biodiversity assessment, including taxonomic identification and description, in the Area

9. Non-destructive, cost-effective and easily replicable methodologies for studying marine biodiversity, including environmental DNA and video surveys, are increasingly being applied in deep-sea environmental studies, enabling the identification of numerous deep-sea organisms. Nonetheless, the utility and scientific value of the information generated by those methodologies needs to be further assessed, considering the lack of consistency across surveys, as well as the absence of comprehensive reference catalogues, which are critical to identifying the organisms and matching the genetic sequences.

10. The consistent and harmonized compilation of the data emerging from the exploration activities and other scientific research projects in the Area will contribute significantly to enhancing and expediting the process of species identification and description. Expanding the use of innovative methodologies can also help to improve broad-scale biodiversity assessments in the deep sea. Fostering interdisciplinary cooperation is essential for developing tools, such as field guides and apps, and technologies to improve in situ and ex situ deep-sea species identifications.

11. In 2020 and 2021, the secretariat organized two virtual workshops in collaboration with the Ministry of Oceans and Fisheries of the Republic of Korea and the National Marine Biodiversity Institute of Korea), on taxonomic standardization (September 2020), and on enhancing image-based biodiversity assessments to advance deep-sea taxonomy (October 2021). Participants at the workshops identified a list of activities to be implemented in the short, medium and long term in the form of a road map aimed at facilitating the integration of deep-sea taxonomic knowledge into the work of the Authority.

12. Building on this, the secretariat, together with the Ministry of Oceans and Fisheries of the Republic of Korea will organize a third workshop in November 2022 in the Republic of Korea. The workshop will be focused on standardizing methodologies for collecting and sharing genetic sequence data and information in support of improved observation and biodiversity monitoring capacities in the Area. Particular attention will be paid to challenges and opportunities for enhancing data interoperability between the Authority's Deep Seabed and Ocean Database (DeepData) database and international genetic databases (e.g., International Nucleotide Sequence Database Collaboration (GenBank), Barcode of Life Data System (BOLD), National Center for Biotechnology Information, SILVA, etc.). Participants at the workshop will also discuss collaborative approaches to building deep-sea research capacity and literacy, with a focus on technologies, methodologies and tools and their adequate application at a larger scale.

13. As part of its support for the implementation of the Initiative (see para. 9), the European Commission signed a grant agreement with the secretariat in May 2022 under the 2021 work programme of the European Maritime, Fisheries and Aquaculture Fund. The grant will support the taxonomic knowledge component of the Sustainable Seabed Knowledge Initiative and initiate the development of innovative tools to facilitate species identification and description in the Area. An

inception workshop will be convened in December 2022 in the Republic of Korea to develop the implementation and monitoring plan for the achievement of the two-year project objectives. These include the description of at least 50 new deep-sea species from habitats currently targeted for mineral exploration and the development of DNA-based and underwater image libraries, among other taxonomic toolkits.

14. The identification of priority taxonomic work will draw on the outcomes of a review of the baseline taxonomic data currently available in published literature for the Clarion-Clipperton Zone and in online repositories, including DeepData. The results of this study, undertaken by the Natural History Museum of the United Kingdom, with the financial support of the Pew Charitable Trusts, will be published as an Authority technical study in 2022. The assessment of taxonomic knowledge priorities will also take into account the results of baseline studies undertaken by contractors, especially for standardizing species identifications, and the availability of taxonomic expertise.

C. Strategic research priority 3: facilitating technology development for activities in the Area, including ocean observation and monitoring

15. Facilitating technological innovation is central to creating the enabling conditions for the equitable and sustainable development of deep-seabed mineral resources. It is also a prerequisite for supporting the sustainable transition from exploration to exploitation of mineral resources in the Area. Building cross-sectoral collaborations between land and ocean mining companies and other relevant industries can promote the exchange of ideas and lessons learned and foster innovative technological developments. Advances in technology are also needed to expand the spatial (horizontal and vertical) and temporal coverage of sustained deep ocean observations and monitoring.

16. The secretariat and the National Oceanography Centre of the United Kingdom are partnering to advance technology development and innovation in support of the sustainable development of mineral resources, including in relation to environmental protection and the monitoring of activities carried out in the Area. In November 2021, the secretariat organized an online expert scoping meeting, to take stock of existing technologies 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 analyse 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 the effective transition from exploration to exploitation.

17. The secretariat also initiated discussions with potential partners in relation to the design of a pilot project for long-term ocean observation in the Clarion-Clipperton Zone involving a wide range of relevant stakeholders, including scientific institutions and contractors. The main objective is to undertake an assessment of existing ocean observing capabilities and monitoring programmes, as well as a compilation and synthesis of available oceanographic data from the Zone collected by contractors and scientific entities. It is expected that, building on the findings of this first phase, the secretariat will be in a position to organize an expert meeting in 2023 to identify further the specific scope of project activities, including methodologies and approaches for collaboration and resource mobilization. Participants at the meeting will also discuss needs and priorities for the collection and management of oceanographic data and technological innovations that underpin the prediction, forecasting and modelling of potential environmental impacts arising from activities in the Area.

D. Strategic research priority 4: enhancing scientific knowledge and understanding of potential impacts of activities in the Area

18. Advancing the scientific basis for the improved assessment of risks related to deep seabed exploration and future exploitation activities is essential. Comprehensive environmental baseline information coupled with robust and coherent modelling approaches is needed to understand the potential impacts that activities in the Area may have at multiple spatial and temporal scales and across all depths. It is also crucial for informing decision-making processes and ensuring that a precautionary approach is followed at all stages of the exploration process, as well as for developing robust monitoring programmes and methodologies.

19. The secretariat has joined the advisory boards of two scientific research projects, namely, the Seabed Mining and Resilience to Experimental impact (SMARTX)¹⁰ and the Conservation and restoration of deep-sea ecosystems in the context of deep-sea mining (DEEP REST) projects.¹¹ Drawing on field experimental assessment of impacts from test mining activities in the Clarion-Clipperton Zone, SMARTX, funded by the Government of the United Kingdom, is aimed at investigating how deep-sea ecosystems respond to and recover from broad-scale disturbance. Likewise, DEEP REST, led by Ifremer and financially supported by the Governments of France, the Netherlands, Belgium, Germany, Ireland, Portugal and Spain, will compare ecological processes between abyssal plain and mid-ocean ridge ecosystems to identify key traits and functions affecting community resilience. DEEP REST is also aimed at testing the effectiveness of different restoration actions on the recovery of communities from the potential impacts of future exploitation activities.

20. The secretariat further continues to enhance its collaboration with the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection,¹² including by contributing to its work on the impacts of the introduction of mining wastes and other matter into the marine environment. The Joint Group of Experts is a group of independent scientific experts established in 1969 to provide advice to the United Nations system on scientific aspects of marine environmental protection.

21. The secretariat organized a virtual side event on the margins of the 2022 Ocean Conference on scientific collaboration in support of regional environmental management planning in the Area. The side event provided insights into the science-policy interface in the development and implementation of the Authority's regional environmental management plans and related progress in the development of scientific tools and approaches. The event was organized in collaboration with the European Commission, the Ministry of Natural Resources of China, the Ministry of Earth Sciences of India, the Ministry of Climate and Environment of Poland and the Commonwealth Scientific and Industrial Research Organisation of Australia.

E. Strategic research priority 5: promoting dissemination, exchange and sharing of scientific data and deep-sea research outputs and increasing deep-sea literacy

22. Promoting the dissemination, exchange and sharing of scientific data and the outputs from deep-sea research activities, thereby increasing deep-sea literacy, is an inherent part of the Authority's mandate under the Convention. In the past four decades, the work of pioneer investors and contractors has contributed significantly to advancing

¹⁰ <https://noc.ac.uk/projects/smartex>.

¹¹ <https://deep-rest.ifremer.fr/>.

¹² www.gesamp.org/.

the scientific knowledge and understanding of the deep-sea environment and seabed resources in the Area. The scientific data and information resulting from more than 100 oceanographic expeditions for the exploration of mineral resources by contractors have been systematically collected, compiled and organized in DeepData.

23. Establishing effective collaborative links, including data interoperability, between DeepData and other relevant global databases is essential for contributing effectively to the global understanding of deep-sea ecosystems and biodiversity.

24. In March 2022, the Authority signed a letter of collaboration with the World Register of Marine Species with a view to helping to ensure the quality of the deep-sea taxonomic information and data contained in the DeepData database through periodic scientific reviews between DeepData and the World Register thematic subregister, the World Register of Deep-Sea Species. This collaboration will enable both entities to co-develop training and sensitization activities for data providers and users of taxonomic data in order to improve standardization of data exchange protocols and promote the use of biodiversity information for scientific research in the Area.

25. Building on the agreement of cooperation signed in 2017, the Authority and the International Hydrographic Organization are partnering through the AREA2030 initiative, launched on World Oceans Day (8 June 2022), to facilitate the voluntary contribution of bathymetric data by contractors for a consolidation of seabed mapping of the Area. The webinar on 8 June 2022¹³ brought together representatives of the Government of Mauritius, the Federal Institute for Geosciences and Natural Resources (BGR), the Engineering Company for Foundation Technology and Soil Mechanics (Fugro), Global Sea Mineral Resources NV (GSR), the Japan Oil, Gas and Metals National Corporation (JOGMEC) and HafenCity Universität Hamburg to discuss the importance of this initiative and its contribution to the objectives of the Authority's Action Plan for Marine Scientific Research, as well as the United Nations Decade.

Increasing deep-sea literacy

26. It continues to be important to increase deep-sea literacy and general understanding of the work of the Authority, in particular to combat misrepresentations and common misunderstandings. To that end, diverse initiatives to enhance communication activities for stakeholders have been developed during the reporting period to raise awareness of the role and mandate of the Authority, as well as its contribution to the achievement of the scientific objectives of the United Nations Decade.

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

28. The 2022 edition of the Authority's celebrations of World Oceans Day, on 8 June 2022, was dedicated to the celebration of deep-sea exploration. The event entitled “Fostering international cooperation for advancing seabed mapping and better understanding of the Area and its environment for the benefit of humankind” was attended by more than 100 participants and brought together experts from the Legal and Technical Commission, members and observers of the Authority and representatives of contractors and scientific institutions. The interactive discussion was followed by the announcement of the winners of the art competition organized by the secretariat on the theme “Exploring the deep sea”.

29. The secretariat, together with interested contractors, is currently working on a new initiative aimed at increasing the visibility of the contribution of deep-sea

¹³ <https://isa.org/jm/event/isa-celebrates-world-oceans-day>.

exploration activities conducted in the Area, in order to advance the global understanding of deep-sea ecosystems and resources. The initiative will take the form of a compendium highlighting the collective achievements of the contractors in advancing the state of knowledge of the deep sea for the benefit of humanity. The compendium will be published by the end of 2022.

30. Further efforts on inclusive and transparent communications and awareness-building activities will be guided by the deep-sea literacy action plan, which is under development by the secretariat and will be made available by the end of 2022.

F. Strategic research priority 6: strengthening deep-sea scientific capacity of Authority members, in particular developing States

31. Owing to the rapid pace at which technology and know-how related to research, in particular in the deep sea, are developing, the disparity in capacity among countries will continue to increase. The Authority is committed to addressing the situation and facilitating better coordination and collaboration, as well as the identification of the financial and technical resources needed. Specific attention will be given to assisting technologically disadvantaged States, least developed countries, landlocked countries and small island developing States. Continued efforts to improve women's empowerment and leadership in deep-sea research will also be made.

32. In May 2022, the Authority-China Joint Training and Research Centre 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.¹⁴ The workshop brought together 55 participants from 20 countries, including 24 participants from nine different least developed countries, landlocked developing countries and small island developing States. More than 45 per cent of the participants were women.

33. In 2021, the secretariat, in cooperation with Ifremer and with the financial support of the Government of France, established a deep-sea taxonomy postdoctoral fellowship for candidates from developing States members of the Authority. The 18-month fellowship will be focused on developing and testing new methods and technologies for deep-sea species identification. The fellowship will be part of the Ifremer Blue Revolution project¹⁵ and will involve work on the development and testing of three-dimensional imaging techniques for the identification of meiofauna organisms of deep-sea ecosystems found in areas currently being explored for mineral resources. The fellowship will also contribute to identifying key species that can be used as indicators for assessing potential environmental changes in the future. After a thorough selection process, the project selected Ranju Radhakrishnan from India, who will be joining Ifremer in September 2022.

34. The secretariat further progressed in the implementation of the internship programme funded by the National Oceanography Centre of the United Kingdom. Implementation of this initiative had been delayed owing to global travel restrictions. The programme is focused 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.

35. 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

¹⁴ www.isa.org.jm/training/JTRC.

¹⁵ <https://wwz.ifremer.fr/bluerevolution/>.

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 set out 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.

36. Building upon the objectives of the Africa Deep Seabed Resources project, including the identification of potential capacity-building activities and strategies to be further developed at the national, regional and international levels, 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.¹⁶ This webinar was 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 was also focused on different types of data analytics and their use for marine scientific research in the Area. It further identified Africa's priorities, challenges and future areas of collaboration for facilitating access to and sharing data on the marine environment in the Area, as well as for advancing the development of DeepData.

37. Since 2017, the Authority has placed particular importance on advancing women's empowerment and leadership, including in deep-sea research, as reflected in the voluntary commitment registered at the 2017 Ocean Conference (#OceanAction15467). Building on that voluntary commitment, 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, launched the Women in Deep-Sea Research project in March 2021. The project is aimed at developing and implementing specific activities to advance the participation and empowerment of women scientists from the least developed countries, landlocked developing countries and small island developing States 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 in Marine Bioresources Information Systems, organized by the National Marine Biodiversity Institute of Korea for female experts and scientists of Fiji, in October 2021.

38. During the reporting period, efforts have been made to undertake the first ever gender mapping of deep-sea research and related disciplines and activities in least developed countries, landlocked developing countries and small island developing States. The report "Empowering Women from least developed countries, landlocked developing countries and small island developing States in Deep-Sea Research", which also contains an analysis of critical barriers encountered by women scientists, was launched during a side event organized at the 2022 Ocean Conference in June.

III. Engagement and resource mobilization

39. The Authority has continued to work collaboratively with IOC-UNESCO in the planning and implementation of the United Nations Decade. As part of this process, the secretariat has continued to provide inputs through its participation in the Decade Advisory Board, the Ocean Decade Alliance, the monitoring and evaluation working group and the communications working group.

¹⁶ See www.isa.org/jm/event/msr-information-series-africa-topic-2-data-management.

40. Implementation of the Action Plan for Marine Scientific Research requires dedicated financial and human resources. As at mid-2022, the secretariat had recruited a dedicated Programme Coordinator for the Action Plan. Although many of the activities described in the present report were financed through the programme budget of the Authority, several activities also received extrabudgetary and in-kind support from members of the Authority, partner organizations and donors, as well as observers. However, to fully realize the ambitions of the Action Plan and its strategic research priorities, additional financial resources will be needed.

41. The strategic plan and the high-level action plan of the Authority for the period 2019–2023 both recognize the importance for the organization of identifying long-term options for the sustainable financing of its operations (high-level action 8.4.1) and developing measures and mechanisms to encourage contributions by members and relevant stakeholders to the programmes, projects and initiatives of the Authority, especially those relating to capacity development (High-level action 8.2.1 (ii)). In 2022, the secretariat hired a consultant to develop a resource mobilization strategy and action plan to assist in identifying and mobilizing the financial resources needed. The resource mobilization strategy and plan are currently under development in consultation with a wide spectrum of key relevant stakeholders (the Finance Committee, the Legal and Technical Commission, representatives of members, partners, donors, contractors, observers and non-governmental organizations) and thorough review by the Finance Committee.

42. Pursuant to the decision of the Assembly relating to the implementation of a programmatic approach to capacity development (ISBA/26/A/18), the Secretary-General also undertook a review of the terms of reference of the Endowment Fund for Marine Scientific Research in the Area to address the challenges identified with regard to its implementation, in particular to allow the use of the capital of the Fund to support training and technical assistance activities, and submitted proposals for consideration by the Finance Committee (ISBA/27/FC/3). Subject to the recommendation of the Finance Committee on this matter, the revitalized Fund could provide significant support to the Action Plan in terms of training and technical assistance.

IV. Recommendations

43. The Assembly is invited to:

- (a) Take note of the information provided in the present report;
- (b) Request the Secretary-General to continue his efforts to mobilize the necessary resources for the implementation of the strategic research priorities under the Action Plan for Marine Scientific Research;
- (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.



Assembly Council

Distr.: General
14 July 2022

Original: English

Twenty-seventh session

Kingston, 18 July–5 August 2022

Item 12 of the provisional agenda of the Assembly*

Report and recommendations of the Finance Committee

Agenda item 15 of the Council

Report of the Finance Committee

Report of the Finance Committee**

I. Introduction

1. During the twenty-seventh session of the International Seabed Authority, the Finance Committee held two formal in person meetings on 13 and 14 July 2022, in Kingston, Jamaica. The Committee also held informal virtual meetings on 3 March 2022 and 24 May 2022.

2. The following members of the Committee participated in either the formal or informal meetings of the Committee: Andrzej Przybycin (Chair), Abderahmane Zino Izoura, Christopher Hilton, David Wilkens, Didier Ortolland, Frida Armas-Pfirter, Kenneth Wong (Vice-Chair), Kejun Fan, Kerry-Ann Spaulding, Konstantin Muraviov, Kajal Bhat, Medard Ainomuhisha, Shoko Fujimoto, Thiago Poggio Padua.

3. On 13 July 2022, the Committee formally adopted its agenda ([ISBA/27/FC/1](#)) and re-elected Andrzej Przybycin to chair the Committee and Kenneth Wong as Vice-Chair for this session.

II. Implementation of the budget for the financial period 2021

4. The Committee was provided with a report and a presentation on the implementation of the budget for the period January to December 2021. The report showed total expenditure during this period amounted to \$8,600,381 against an approved budget provision of \$9,189,255. The report also indicated under expenditure of \$588,874, reflecting the curtailed in-person meetings of the Council and Assembly in 2021.

III. Status of the Working Capital Fund

5. The Committee took note of a report on the status of the Working Capital Fund ([ISBA/27/FC/4](#)). It noted that on 30 April 2022, the balance of the Working Capital Fund was \$692,695 with an outstanding amount of \$57,305 to be collected in the financial period 2022–2024.

* [ISBA/27/A/L.1](#).

** The present document is being issued without formal editing.



IV. Status of contributions

6. The Committee took note of a report on the status of contributions (ISBA/27/FC/5/Rev.1) and an oral update on the current position. It noted that as at 30 June 2022, 87 per cent (\$6,477,393) of the contributions to the budget of the Authority for 2022 had been received. As of the same date, outstanding contributions from member States for prior periods (1998–2021) amounted to \$1,018,654.¹ The Committee noted that this represented one month's cash flow for the Authority and urged members in arrears to pay their contributions.

V. Indicative scale of assessed contributions to the administrative budget for the financial period 2023–2024

7. With respect to the indicative scale of assessed contributions for the financial period 2023–2024, the Committee took note of the changes to the scale used for the regular budget of the United Nations for the period 2022 to 2024 and the implications for the Authority. The Committee decided to recommend to authorize the Secretary-General to establish the scale of assessments for 2023 and 2024 on the basis of the scale used for the regular budget of the United Nations for the period 2022 to 2024, taking into account that the maximum assessment rate will be 22 per cent and the minimum rate 0.01 per cent.

VI. Audit report on the accounts of the International Seabed Authority for 2021

8. The Committee was provided with the audited financial statements prepared by Ernst and Young. The Committee noted that, in the opinion of the auditor, the financial statements gave a true and fair view of the financial position of the Authority as of 31 December 2021, and of its financial performance and its cash flows for the year then ended in accordance with International Public Sector Accounting Standards (IPSAS). No adverse observations had been made by the auditor.

VII. Status of the trust funds of the Authority and related matters

9. The Committee took note of a report provided by the secretariat on the status of the trust funds of the International Seabed Authority and related matters.

A. Endowment Fund for Marine Scientific Research in the Area

10. The Committee noted that, as of 30 April 2022, the capital of the endowment fund stood at \$3,573,567, with accumulated interest of \$1,135,700 and expenditure of \$625,279.

¹ The countries with outstanding balances are Albania, Angola, Argentina, Bahrain, Barbados, Belize, Benin, Bolivia, Brazil, Burkina Faso, Cameroon, Chad, Comoros, Congo, Cuba, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Equatorial Guinea, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Haiti, Honduras, Indonesia, Iraq, Jordan, Kiribati, Kuwait, Lebanon, Lesotho, Liberia, Madagascar, Malawi, Mali, Marshall Islands, Mauritania, Mexico, Mongolia, Montenegro, Myanmar, Namibia, Nepal, Niger, Niue, North Macedonia, Pakistan, Palau, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Solomon Islands, Somalia, State of Palestine, Sudan, Suriname, Togo, Tunisia, Uganda, United Republic of Tanzania, Uruguay and Yemen.

B. Voluntary trust fund for the purpose of defraying the cost of participation of members of the Legal and Technical Commission from developing countries and members of the Finance Committee from developing countries in the meetings of the Commission and of the Committee

11. The Committee noted that voluntary contributions from Member States and from contractors had enabled the participation of the respective members from developing countries in meetings during the first part of the twenty-seventh session. As of 30 April 2022, the balance of the fund stood at \$180,344.² The Committee reiterated its appeal for more voluntary contributions, including from observers, as a vital means to secure participation from members from developing countries at the meetings of the two subsidiary organs of the Authority.

C. Voluntary trust fund to support the participation of members of the Council of the International Seabed Authority from developing States in the meetings of the Council

12. The Committee noted that the balance of 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 stood at \$24,073.

13. The Committee noted that the current terms of reference for this trust fund limited participation to one session of the Council for each year for each eligible country. The Committee considered it necessary to propose an amendment to the terms of reference to allow the secretariat to defray the costs of participation for eligible countries in all parts of the annual sessions of the Council for 2022 to 2024, in view of the ongoing negotiations on the draft exploitation regulations of mineral resources in the Area. The revised terms of reference, as proposed by the Committee, are in annex I to the present report.

D. Trust fund for extrabudgetary support for the International Seabed Authority

14. The Committee noted that the total funds available for extrabudgetary support for the Authority as of 30 April 2022 stood at \$735,565. These extrabudgetary funds are used to support multi-year programmes or projects in accordance with the terms agreed with the respective donors, including reporting and audit requirements.

E. Voluntary trust fund for the purpose of providing the requisite funds related to the work of the Special Representative of the Secretary-General of the International Seabed Authority for the Enterprise

15. The Committee noted that, as of 30 April 2022, the balance of this fund was \$17,083 and that since the fund had been established, expenditures amounted to \$43,572.

² A list of donors to the fund can be found in [ISBA/27/FC/5/Rev.1](#).

VIII. Development of rules, regulations, and procedures on the equitable sharing of financial and other economic benefits derived from activities in the Area pursuant to Article 140 (2) of the United Nations Convention on the Law of the Sea and section 9, paragraph 7 (f), of the annex to the 1994 Agreement

16. The Committee continued discussions on the equitable sharing of financial and other economic benefits derived from activities in the Area. At its remote meeting on 24 May 2022, the Secretary-General provided a summary on the outcomes of discussions from the last meetings of the Council and Assembly on the report of the Committee ([ISBA/27/FC/2](#)).

17. At its meetings, there were exchange of views and questions on the recommendation for the creation of a draft framework for financial regulations on the treatment of funds received from activities in the Area, particularly with respect to the content of the draft framework which could include the following headings (a) use of money; (b) how monies are to be received; (c) potential for reimbursing some of the moneys received against budgetary contributions as well as (d) administrative measures to ensure the money is used and accounted for appropriately. The Committee requested that the Secretariat prepare a proposal for the draft framework.

18. The Committee welcomed the request by the Council and Assembly for it to develop a detailed proposal for the establishment of a seabed sustainability fund as an alternative or adjunct to the direct distribution of monetary benefits derived from activities in the Area, for consideration by the Assembly during the twenty-eighth session of the Assembly. It also took note of the proposal that work be initiated on rules, regulations, and procedures for the distribution of funds received pursuant to article 82, paragraph 4 of the Convention. In this regard, the Committee decided that these matters should be included in the work programme for the Committee for the remainder of 2022 and 2023 and requested the secretariat to proceed to prepare draft proposals for the establishment of a seabed sustainability fund, as well as a study on options for the distribution of funds received pursuant to article 82, paragraph 4 of the Convention, to support its work.

IX. Proposed budget for the financial period 2023–2024

19. The Committee takes its responsibilities as the Authority's financial guardian and advisor on financial policy very seriously. In accordance with its mandate, it thoroughly reviewed and discussed the proposed budgetary requirements for the financial period 2023–2024 ([ISBA/27/A/3-ISBA/27/C/22](#)). In evaluating the justification of the proposed increases, it made reference also to its report [ISBA/26/A/10-ISBA/26/C/21](#), where it had, after equally thorough examination, recommended a budget for the financial period of 2021–2022 in the amount of \$20,301,362, as being justified to meet the Authority's financial needs. In relation to this amount, the revised proposed budget for 2023–2024 would foresee an increase of less than 10% with the current proposal of \$22,256,000.

20. Overall, the Committee noted that the proposed budget was generally in line with the projection contained in the report on future financing of the Authority presented to the Committee in 2021 ([ISBA/26/FC/7](#)).

21. The Committee noted that in relation to conference services, which remained the highest component in the budget, there had been an increase from \$3,000,000 to \$3,360,000 for the financial period. The programme budget reflected zero growth, with an adjustment for inflation of 3.7%.

22. The Committee noted that one of the main reasons for increases in the budget for the financial period 2023–2024 is the increased schedule of meetings. In particular provision is made for 25 days of meetings for the Council in each year. The conferences service costs already being the largest expenses in the Authority’s budget, this intensified schedule of work has significant financial implications. Nevertheless, the Committee sees no alternative in order to complete the important work on the draft exploitation regulations of mineral resources in the Area. The Committee trusts that the Council will make good use of this resource provided for by member states contributions. Although the Committee abstains from proposing a formal sunset clause for these expenditures, it is the Committee’s understanding that the meeting schedule will be reduced again once the exploitation code and connected tasks have been fulfilled.

23. The proposed budget reflected the establishment of three new posts in the Secretariat (1 x Professional and 2 x General Service); the increases in salaries and allowances applied by the International Civil Service Commission; increases imposed by the United Nations common system; a projected increase in electricity costs due to the global increases in energy prices, creation of the Compliance, Assurance and Regulatory Management Unit (CARMU) in the Secretariat, as well as inflationary costs in the General Administrative Fund. It noted that part of the costs attributed to CARMU had been transferred from sections 1 and 3 of the budget but increases in the responsibilities and activities of CARMU were envisaged and justified for 2023 and 2024.

24. The Committee noted the importance of the evolutionary approach as reflected in the 1994 Agreement, which stipulated that the setting up and the functioning of the organs and subsidiary bodies of the Authority shall be based on an evolutionary approach, taking into account the functional needs of the organs and subsidiary bodies concerned in order that they may discharge effectively their respective responsibilities at various stages of the development of activities in the Area. It noted that the current and future needs of the Authority required additional funding if the Authority was to become a proper regulatory body, including the need for the full operationalization of the Compliance and Regulatory Management Unit, additional meetings of the Council and Legal and Technical Commission to complete the regulations and design regional environmental management plans, and subsequently process and consider applications for plans of work. A progressive increase in budgetary requirements was therefore unavoidable.

25. With respect to the Enterprise, the Committee noted that the indicative cost implication of the appointment of an interim Director-General of the Enterprise was assessed by the Secretary-General at \$641,301 for the financial period 2023–2024 and had been included in the budget proposal as requested by the Council at the first part of the twenty-seventh session. The Committee took note of the information but considered that it would need additional guidance from the Council on the nature of the work to be performed by the interim Director-General in order to properly assess the proposed costs.

26. After thorough consideration and evaluation of the budget as proposed by the Secretary-General, the Committee requested the Secretary-General to prepare a revised and reduced budget proposal ([ISBA/27/A/3/Add.1-ISBA/27/C/22/Add.1](#)). The Committee decided to recommend the approval of the proposed budget for the financial period 2023–2024 in the amount of \$22,256,000 as reflected in [ISBA/27/A/3/Add.1-ISBA/27/C/22/Add.1](#) amounting to an increase of 14.6% to the current budget.

X. Estimated cost of the Board of Auditors of the United Nations

27. The Committee noted that the appointed auditor for the financial period 2021–2022 is Ernst and Young. Audit fees of \$23,000 are projected for 2023, and \$25,000 for 2024. The Committee recalled that it had requested the secretariat to investigate the possibility of using the UN Board of Auditors to carry out the audit in future years.³ The secretariat informed the Committee that it had been in contact with the UN Audit Operations Committee and had ascertained that the cost of audit by the UN Board of Auditors would be \$38,820 per year (rates for 2022) which is 76 per cent more than the currently budgeted costs. The Committee will return to this issue in 2023 when it next considers the selection of the auditor.

XI. Review of the Endowment Fund for Marine Scientific Research in the Area

28. The Committee reviewed the report of the Secretary-General on the review of the terms of reference for the Endowment Fund for Marine Scientific Research in the Area (ISBA/27/FC/3). It noted that the review had been requested by the Assembly in its decision ISBA/26/A/18 related to the programmatic approach for capacity development, and that the Assembly had requested the Secretary-General to review the terms of reference of the Fund to address the challenges identified, in particular to allow the use of the capital of the Fund to support training and technical assistance activities. The main challenges faced in the operation of the Endowment Fund included that the Authority is not consulted in the design of capacity-building activities or in the selection of participants; a significant number of training opportunities have focused on oceans law and policy rather than the implementation of article 143, paragraphs 2 and 3, of the Convention; and there is a need to expand the network of institutions receiving grants and to ensure that the network represents institutions from different regions. In terms of financing, limited contributions had been made only by members of the Authority and one contractor, even though the terms of reference allowed for contributions to be received from a large range of entities. One important identified constraint was that only the interest accrued on the capital of the Fund might be used. It was found that this financing modality seemed to have acted as an impediment to the full implementation of the objectives of the Fund.

29. The Committee took note of and endorsed the proposal of the Secretary-General to establish the International Seabed Authority Partnership Fund as a trust fund of the Authority pursuant to financial regulation 5.5. The objective of the partnership fund would be to provide a transparent mechanism through which donors could support the implementation of strategic programmatic priorities, specifically the action plan of the Authority in support of the United Nations Decade of Ocean Science for Sustainable Development (i.e. its marine scientific research action plan) and the strategy for capacity development (subject to its adoption by the Assembly). The current objectives of the Endowment Fund, which are fully compatible with the marine scientific research action plan, would be subsumed under the partnership fund and the annual drawdown from the Endowment Fund used to support relevant activities under the partnership fund. This would provide a greater incentive for donors to invest in the Authority and the outputs identified under the relevant policy framework. The Committee discussed and adjusted the proposed terms of reference for the Fund, including to give a more prominent role to developing country beneficiaries of the Fund in the governance mechanisms and to align the objectives of the Fund with the strategic framework of the Authority. The proposed terms of

³ ISBA/26/A/10/Add.1-ISBA/26/C/21/Add.1, para. 23.

reference for the Fund, as amended by the Committee, are in annex 2 to the present report.

30. The Committee also endorsed the proposal to draw down an amount not exceeding \$400,000 per year, for an initial period from 2022 to 2026, from the capital and accumulated interest of the Endowment Fund as a contribution to the Partnership Fund to be used exclusively for the purposes set out in the terms of reference. It noted that this could be kept under review by the Committee and could be adjusted, if necessary, depending on variations in interest rates. The Committee supported the proposed revised framework on the basis that it would provide a greater incentive for donors to invest in the Authority and the outputs identified under the relevant policy framework as well as allow the use of the capital of the Fund to support training and technical assistance activities.

XII. Other matters

Future financing of the Authority

31. The Committee took note of the efforts undertaken by the secretariat to identify long-term options for the sustainable financing of the organization and the development of a resource mobilization strategy in line with the Authority's strategic plan. It further noted that the Secretariat commissioned a study to develop a strategy on resource mobilization. In this respect, a consultant had been identified and invited to one of the virtual meetings of the Committee to provide an overview of the key findings of the study, as well as the outcomes of the consultation process with different stakeholders. This included the objectives, methodology followed, and major challenges faced by the Authority in expanding its resource base to support implementation of its programmatic mandate particularly in relation to marine scientific research and capacity development. The Committee was invited to take note that the Secretariat had received a report from the consultant on the basis of which some preliminary steps will be taken to prioritize resource mobilisation and targeting donors.

32. On 13 July 2022, the Committee held a joint meeting with members of the Legal and Technical Commission's working group on regional environmental management plans (REMPs). The group informed the Committee of the ongoing work related to the development and implementation of existing and future REMPs, specifically with respect to the financial implications for the development of draft REMPs for the northern Mid-Atlantic Ridge as well as a guidance document on a standardized procedure for the development, approval, and review of REMPs. The Committee noted that funds to support some part of the development of REMPs are provided for in the programme budget for 2023–2024, however there would be increased financial implications which would need to be reviewed over the years as more REMPs are developed.

33. The Committee recalled that in 2021 the Secretary-General had prepared a report on the future financing of the Authority (ISBA/26/FC/7), with a forecast of future budgetary requirements, consistent with the evolutionary approach, as reflected in the 1994 Agreement, Annex, Section 1, Paragraph 3, indicating that the Authority must evolve in order that it may discharge effectively its responsibilities at the various stages of development of activities in the Area (including the establishment of the Enterprise and the Economic Planning Commission; the operationalisation of CARMU; the additional meetings of the LTC and Council to process and consider a plan of work if one is submitted; and the establishment of the inspection mechanism as provided for under 162(2)(z) and 162(2)(m) of the Convention). Noting the

continued evolution in the work of the Authority, and the major impact on its future budgets, the Committee requested the Secretary-General to prepare an update of that report for its consideration in 2023.

XIII. Recommendations of the Finance Committee

34. In view of the foregoing, the Committee recommends that the Council and the Assembly of the Authority:

(a) Approve the budget for the financial period 2023–2024 in the amount of \$22, 256, 000, as proposed by the Secretary-General in [ISBA/27/A/3/Add.1-
ISBA/27/C/22/Add.1](#), following review by the Committee, to enable the Authority deliver on its mandate in line with the evolutionary approach and the need to ensure that the Authority is equipped with the capacity and resources necessary to fulfil its obligations under the United Nations Convention on the Law of the Sea and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982;

(b) Authorize the Secretary-General to establish the scale of assessments for 2023 and 2024 on the basis of the scale used for the regular budget of the United Nations for the period 2022 to 2024, taking into account that the maximum assessment rate will be 22 per cent and the minimum rate 0.01 per cent;

(c) Also authorize the Secretary-General, for 2023 and 2024, to transfer between sections, subsections, and programmes up to 15 per cent of the amount of each section, subsection or programme;

(d) Urge the members of the Authority to pay their assessed contributions to the budget on time and in full; and

(e) call on members of the Authority with outstanding contributions to the budget of the Authority, including from the period 1998–2021, to pay them as soon as possible, to enable the Authority to deliver effectively on its mandate.

35. The Committee recommends that the Council adopts the revised terms of reference for the voluntary trust fund to enable the participation of members of the Council of the Authority from developing States in meetings of the Council as contained in annex 1 to the present report.

36. The Committee recommends that the Assembly:

(a) Request the Secretary-General to establish the International Seabed Authority Partnership Fund as a trust fund of the Authority pursuant to financial regulation 5.5 for the purposes of and with the terms of reference set out in the annex 2 to the present report;

(b) Authorize the Secretary-General to draw down an amount not exceeding \$400,000 per year, from 2022 to 2026, from the capital and accumulated interest of the International Seabed Authority Endowment Fund for Marine Scientific Research as a contribution to the Partnership Fund to be used exclusively for the purposes set out in the terms of reference;

(c) Call upon the members of the Authority, other States, contractors, relevant international organizations, academic, scientific, and technical institutions, philanthropic organizations, corporations, and private persons to make contributions to the Partnership Fund.

Annex I

Revised terms of reference for the voluntary trust fund to support the participation of members of the Council of the International Seabed Authority from developing States in meetings of the Council

1. Pursuant to the financial regulations of the International Seabed Authority, a voluntary trust fund has been established to support the participation of members of the Council of the Authority from developing States.

I. Object and purpose of the trust fund

2. In its decision [ISBA/23/A/13](#) dated 18 August 2017 relating to the final report on the first periodic review of the international regime of the Area pursuant to article 154 of the United Nations Convention on the Law of the Sea, the Assembly requested the Secretary-General to establish a voluntary trust fund to support the participation of members of the Council from developing States in the second annual meeting of the Council.

3. The objective of the fund is to defray the cost of participation of members of the Council from developing States in the annual session of the Council scheduled for 2022 to 2024 in the Council per year.

II. Establishment

4. The fund is established pursuant to financial regulation 5.5 and shall be administered in accordance with the financial regulations of the Authority, as provided in financial regulation 5.6.

III. Contributions to the fund

5. Member States, observers and other stakeholders are encouraged to contribute financially to the voluntary trust fund. Other stakeholders may include but are not limited to: other States; contractors with the Authority; relevant international organizations; academic, scientific and technical institutions; philanthropic organizations; corporations and private individuals; and non-governmental organizations.

IV. Implementing office

6. The Office for Administrative Service of the Secretariat is the implementing office for the fund and provides the services for its operation.

V. Report on the status of the fund

7. The Secretary-General shall report annually to the Finance Committee for its review of the use and status of the fund. The Secretary-General shall also report annually to the Assembly on the status of the fund.

VI. Terms of reference for the administration of the fund

8. The use of the fund is subject to the following conditions:

(a) A formal request by the Government of the State, containing the name of the delegate to be supported, must be communicated to the Secretariat preferably three months but no later than one month prior to the opening of the respective meeting of the Council. Late requests shall not be considered;

(b) Only members of the Council from developing States are eligible for support from the fund. However, if the amount available in the fund is not sufficient to meet all requests for support, priority shall be given to members of the Council from least developed countries;

(c) The fund shall be used to support the participation of one member of the delegation of an developing State member of the Council the Council per year;

(d) For each member of the Council, only one delegate may benefit from support from the fund;

(e) Support shall be limited to economy class airfare by the most economical and direct route from either the capital or the official place of posting and to a daily subsistence allowance for up to a maximum of fourteen days;

(f) The Secretary-General should inform the Government concerned of the outcome of the request in a timely manner.

Annex II

Revised Terms of reference for the International Seabed Authority Partnership Fund

1. The International Seabed Authority Partnership Fund is created as a multi-donor trust fund pursuant to regulation 5.5 of the Financial Regulations of the International Seabed Authority.

Objectives

2. The objectives of the Partnership Fund are to:

(a) Promote and encourage the conduct of marine scientific research in the Area for the benefit of humankind as a whole.

(b) Provide qualified scientists and technical personnel from developing States with opportunities to participate in international marine scientific research programmes, including through training, technical assistance and scientific cooperation programmes.

(c) Contribute to the implementation of the action plan of the Authority in support of the United Nations Decade of Ocean Science for Sustainable Development.

(d) Contribute to the design, development and implementation of dedicated capacity development programmes and activities aligned with the priority needs identified by developing States members of the Authority.

(e) Enhance the Authority's contributions to the implementation of the 2030 Agenda for Sustainable Development and the achievement of the Sustainable Development Goals.

Activities

3. The activities to be financed by the Partnership Fund could include:

(a) The development and implementation of marine scientific research programmes in the Area, in line with the strategic research priorities identified in the action plan of the Authority in support of the United Nations Decade of Ocean Science for Sustainable Development, which will benefit qualified scientists and technical personnel as well as relevant national and regional institutions from developing countries and regions.

(b) The development and implementation of training programmes in line with the decision of the Assembly relating to the implementation of a programmatic approach to capacity development, in particular addressing the priority needs for capacity development identified by developing States members of the Authority.

(c) The development and implementation of technical assistance programmes and activities that will enhance the implementation of the strategic plan of the Authority for the period 2019–2023 and its high-level action plan, marine scientific research action plan and programmatic approach to capacity development.

(d) The engagement of multilevel partnerships on the conduct of marine scientific research programmes in the Area and dissemination and sharing of their results, with interested member States, contractors, relevant ocean industry sectors, the United Nations and its funds and programmes, relevant subregional, regional and international organizations, scientific communities, and relevant civil society groups.

Eligible expenditures

4. For Authority-executed activities, the Partnership Fund may be used to finance:
 - (a) Staff costs (excluding short term consultants and temporaries).
 - (b) Short-term consultants and temporaries.
 - (c) Contractual services.
 - (d) Equipment and office premises lease cost.
 - (e) Media, workshops, conferences and meetings; and
 - (f) Travel expenses.
5. For purposes of this paragraph “staff costs (excluding short term consultants and temporaries)” includes salaries and benefits charged to the Partnership Fund as applicable under the policies and procedures of the Authority; and “short term consultants and temporaries” includes fees charged to the Fund as applicable under the policies and procedures of the Authority.
6. For recipient-executed activities, the Partnership Fund may be used to finance eligible expenditures in accordance with the applicable policies and procedures of the Authority.

Indicative results framework

7. An indicative results framework for the activities financed by the Partnership Fund prepared by the secretariat, in consultation with the donors, shall be available on the Partnership Fund website. This framework may be revised by from time to time in consultation with the donors and shall be used for monitoring and evaluation purposes only.

Indicative budget

8. The Authority shall provide indicative budget information for the Partnership Fund on the Fund website, which may be updated periodically by the secretariat in consultation with the donors. This information is for informational purposes only.

Accounting and financial reporting

9. The secretariat shall maintain separate records and ledger accounts in respect of the funds deposited in the Partnership Fund and disbursements made therefrom. Accounting, internal control and audit shall be in accordance with the financial regulations and rules of the Authority.

Grants to recipients

10. As the administrator of the Partnership Fund on behalf of the donors, the Authority shall enter into grant agreements with recipients consistent with the purposes of the Fund and on the terms and conditions set forth in the grant agreements. Such agreements may be entered into up to the maximum amount of the contributions that all donors have agreed to make available under the administration agreements between the secretariat and the donors. The secretariat shall be responsible for the supervision of the activities financed under any grant agreement.

Governance

11. A partnership board shall be established to:
 - (a) Provide strategic guidance and direction on the implementation of the Partnership Fund activities and endorse strategic priorities:
 - (b) Endorse annual work plans and budgets presented by the secretariat: and
 - (c) Review progress reports provided by the secretariat on the basis of the indicative results framework described in paragraph 7.
12. The Partnership Board will be expected to meet annually as convened by the ISA Secretariat. Meetings may be conducted physically or virtually, with decisions made by consensus. The ISA Secretariat may agree to hold ad hoc meetings of the Partnership Board at the request of its members.
13. The Partnership Board will comprise the following members designated by the Secretary-General:
 - (a) Two representatives from the ISA Secretariat,
 - (b) The chairs of the Finance Committee and the Legal and Technical Commission.
 - (c) Eight representatives of member States, which will consist of representatives of the major donors to the ISAPF and representatives of developing countries who may be beneficiaries of the activities of the ISAPF, including LDCs, LLDCs and SIDS.
14. Each member State representative may be accompanied by a technical expert as an observer. Donors contributing to other Authority-administered trust funds that, at the secretariat's discretion, support the achievement of the objectives of the Partnership Fund may also be invited by the secretariat to participate in the discussions of the Partnership Board.
15. The secretariat may, in consultation with the donors, invite other relevant stakeholders, including technical experts, partner countries and institutions, such as the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, the Organisation for Economic Co-operation and Development, the International Maritime Organization and other relevant United Nations and international organizations, to attend meetings of the Partnership Board.
16. The secretariat shall endeavour to make arrangements with universities, scientific institutions, contractors and other entities for opportunities for scientists from developing countries to participate in marine scientific research activities in the Area. This shall include arrangements for the reduction or waiver of fees for training. The secretariat shall publish a list of such institutions from time to time for the information of members.



Assembly

Distr.: General
3 August 2022

Original: English

Twenty-seventh session

Kingston, 1–5 August 2022

Item 13 of the provisional agenda*

Adoption of the budget of the International Seabed Authority

Decision of the Assembly of the International Seabed Authority relating to financial and budgetary matters

The Assembly of the International Seabed Authority,

Taking into account the recommendations of the Council of the International Seabed Authority,¹

1. *Approves* the budget for the financial period 2023–2024 in the amount of \$22,256,000, as proposed by the Secretary-General;²

2. *Authorizes* the Secretary-General to establish the scale of assessments for 2023 and 2024 on the basis of the scale used for the regular budget of the United Nations for the period 2022–2024, taking into account that the maximum assessment rate will be 22 per cent and the minimum rate 0.01 per cent;

3. *Also authorizes* the Secretary-General, for 2023 and 2024, to transfer between sections, subsections and programmes up to 15 per cent of the amount of each section, subsection or programme;

4. *Urges* the members of the Authority to pay as soon as possible their assessed contributions to the budget on time and in full;

5. *Calls upon* members of the Authority with outstanding contributions to the budget of the Authority, including from the period 1998–2021, to pay them as soon as possible, to enable the Authority to deliver effectively on its mandate;

6. *Decides*, taking into account the recommendations of the Finance Committee:³

(a) To authorize the Secretary-General to establish the International Seabed Authority Partnership Fund as a trust fund of the Authority pursuant to financial

* ISBA/27/A/L.1.

¹ See ISBA/27/C/40.

² See ISBA/27/A/3/Add.1/Rev.1-ISBA/27/C/22/Add.1/Rev.1.

³ ISBA/27/A/8-ISBA/27/C/36, para. 36.



regulation 5.5 for the purposes set out in the terms of reference contained in annex II to the report of the Finance Committee;⁴

(b) To authorize the Secretary-General to draw down an amount not exceeding \$400,000 per year, from 2022 to 2026, from the capital and accumulated interest of the International Seabed Authority Endowment Fund for Marine Scientific Research as a contribution to the Partnership Fund to be used exclusively for the purposes set out in the terms of reference;

(c) To call upon the members of the Authority, other States, contractors, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private persons to make contributions to the Partnership Fund.

*194th meeting
3 August 2022*

⁴ Ibid., annex II.



Assembly

Distr.: General
3 August 2022

Original: English

Twenty-seventh session

Kingston, 1–5 August 2022

Item 19 of the provisional agenda*

Other matters

Decision of the Assembly of the International Seabed Authority relating to the implementation of a programmatic approach to capacity development

The Assembly of the International Seabed Authority,

Recalling its decision of 26 July 2018, adopted at its twenty-fourth session,¹ by which it adopted the strategic plan of the Authority for the period 2019–2023,

Recalling also its decision of 24 July 2019, adopted at its twenty-fifth session,² by which it adopted the high-level action plan of the Authority for the period 2019–2023 as well as performance indicators for each of the strategic directions in the strategic plan,

Recalling further its decision of 17 December 2020, adopted at its twenty-sixth session,³ by which it requested the Secretary-General to develop and implement a dedicated strategy for capacity development, taking into account the elements identified in paragraph 36 of his report,⁴ and to report thereon to the Assembly at its twenty-seventh session,

Having considered the report of the Secretary-General,⁵ in which he provided the required information on the development of the draft capacity development strategy,

Considering the priorities for capacity development identified by the members of the Authority,

Committed to further building the capacity of developing States, in particular geographically disadvantaged States, least developed countries, landlocked developing countries and small island developing States, as well as ensuring their fully integrated participation in the activities undertaken in the Area,

* ISBA/27/A/L.1.

¹ ISBA/24/A/10.

² ISBA/25/A/15 and ISBA/25/A/15/Corr.1.

³ ISBA/26/A/18.

⁴ ISBA/26/A/7.

⁵ ISBA/27/A/5.



Emphasizing the importance of a dedicated strategy for capacity development that addresses the needs identified by the members of the Authority,

1. *Takes note* of the report of the Secretary-General;
2. *Welcomes* the nomination by members of the Authority of national focal points in charge of liaising with the secretariat on matters relating to capacity development, taking into account the terms of reference for such focal points as set out in the annex to the decision of the Assembly of 17 December 2020;
3. *Adopts* the capacity development strategy of the International Seabed Authority, as contained in annex I to the report of the Secretary-General, which provides the necessary framework for the implementation of a programmatic approach to capacity development;
4. *Requests* the Secretary-General to implement the strategy and progress the identification of key indicators to monitor progress;
5. *Also requests* the Secretary-General to continue to explore options to mobilize additional resources to provide the necessary financial support for the implementation of the strategy;
6. *Encourages* members of the Authority to participate fully in the implementation of the strategy, including through the development of programmes, projects and activities in the four main categories of the mandate of the Authority;
7. *Invites* contractors, the private sector, civil society, academia and foundations to contribute to the implementation of the strategy in their respective areas of competence, in line with the priorities identified by developing States members of the Authority.

*194th meeting
3 August 2022*



Assembly

Distr.: General
4 August 2022

Original: English

Twenty-seventh session

Kingston, 1–5 August 2022

Agenda item 15

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

Decision of the Assembly of the International Seabed Authority relating to the election to fill the vacancies on the Council of the Authority in accordance with article 161, paragraph 3, of the United Nations Convention on the Law of the Sea

The Assembly of the International Seabed Authority,

Recalling that, in accordance with article 161, paragraph 3, of the United Nations Convention on the Law of the Sea, elections shall take place at regular sessions of the Assembly and each member of the Council shall be elected for four years,

Elects the following to fill the vacancies in the Council of the International Seabed Authority for a four-year period from 1 January 2023 to 31 December 2026, subject to the understandings reached in the regional and interest groups:¹

Group A

Italy²

Russian Federation

¹ The agreed allocation of seats on the Council is 10 seats to the Group of African States, 9 seats to the Group of Asia-Pacific States, 8 seats to the Group of Western European and Other States, 7 seats to the Group of Latin American and Caribbean States and 3 seats to the Group of Eastern European States. Since the total number of seats allocated according to that formula is 37, it is understood that, in accordance with the understanding reached in 1996 (see [ISBA/A/L.8](#) and [ISBA/A/L.8/Corr.1](#)), each regional group other than the Group of Eastern European States will relinquish a seat in rotation. The regional group that relinquishes a seat will have the right to designate a member of that group to participate in the deliberations of the Council without the right to vote during the period that the regional group relinquishes the seat.

² Italy would relinquish its seat in group A in favour of the United States of America if the United States became a member of the Authority; this does not prejudice the position of any country with respect to any intervening election to the Council.



Group B

France³
Germany⁴
Republic of Korea

Group C

Australia
Chile

Group D

Fiji⁵
Jamaica
Lesotho

Group E

Cameroon
Ghana
Indonesia⁶
Mexico
Nigeria
Sierra Leone
Singapore
Tonga

*196th meeting
4 August 2022*

³ France is re-elected for a period of four years (2023–2026), on the understanding that it will relinquish its seat in Group B to the Netherlands for the year 2023.

⁴ Germany is re-elected for a period of four years (2023–2026), on the understanding that it will relinquish its seat in Group B to the Netherlands for the year 2025.

⁵ Fiji is re-elected for a period of four years (2023–2026), on the understanding that it will relinquish its seat in Group D to Nauru for the years 2025 and 2026.

⁶ Indonesia is re-elected in Group E for a period of four years (2023–2026), on the understanding that it will relinquish its seat in Group E to Nauru for the year 2023.



Assembly

Distr.: General
10 August 2022

Original: English

Twenty-seventh session
Kingston, 1–4 August 2022

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

1. The twenty-seventh session of the Assembly of the International Seabed Authority was held from 1 to 4 August 2022 (191st–196th meetings), at the Knutsford Court Hotel, Kingston, owing to the unavailability of the Jamaica Conference Centre on account of ongoing renovation work.

I. Adoption of the agenda

2. At its 191st meeting, on 1 August 2022, the Assembly considered the provisional agenda of the Assembly for its twenty-seventh session.¹ The delegation of Chile proposed the inclusion of an additional item on the agenda.²

3. At its 195th meeting, on 3 August, the Assembly adopted the agenda of its twenty-seventh session.³

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

4. At the 191st meeting, following the nomination of the Group of Asia-Pacific States to preside over the Assembly, the Permanent Representative of Fiji to the United Nations, Satyendra Prasad, was elected as President of the Assembly for its twenty-seventh session. The representatives of Ghana (Group of African States), Mexico (Group of Latin American and Caribbean States) and Norway (Group of Western European and Other States) were elected Vice-Presidents of the Assembly for the twenty-seventh session.

5. Also at the 191st meeting, Olav Myklebust of Norway (Vice-President) was designated by the President, in his absence, as acting President, to preside over the meetings of the twenty-seventh session.

¹ See [ISBA/27/A/L.1](#).

² See [ISBA/27/A/9](#).

³ See [ISBA/27/A/1](#).



III. Appointment and report of the Credentials Committee

6. At its 192nd meeting, on 2 August 2022, the Assembly appointed a Credentials Committee, consisting of the following members: Bahamas, India, Italy, Lesotho, Netherlands, Philippines, South Africa and Trinidad and Tobago.

7. The Credentials Committee met on 3 August and elected Amanda Fraser (Trinidad and Tobago) as its Chair. The Committee examined the credentials of representatives participating in the twenty-seventh session.

8. At the 195th meeting, on 3 August, the Chair of the Credentials Committee presented the report of its Committee,⁴ which was approved by the Assembly at the same meeting.⁵

IV. Requests for observer status in the Assembly

9. At the 191st meeting, the Assembly considered and approved five applications for observer status in the Assembly, 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,⁶ from the following applicants: the Interamerican Association for Environmental Defense,⁷ the Ocean Foundation,⁸ Cluster maritime français,⁹ Oceans North¹⁰ and the World Organization of Dredging Associations.¹¹

V. Statement by the President of the Council on the work of the Council during the twenty-sixth session

10. At the 191st meeting of the Assembly, the President of the Council, Tomasz Abramowski (Poland), gave an oral report on the work of the Council during the twenty-seventh session, covering the first part, held from 21 March to 1 April 2022,¹² and the second part, held from 18 to 29 July 2022.¹³ The Assembly took note of the report and noted that the third part of the twenty-seventh of the Council would be held from 31 October to 11 November 2022.

VI. Annual report of the Secretary-General

11. At the 192nd meeting of the Assembly, the Secretary-General presented to the Assembly his report submitted in accordance with article 166, paragraph 4, of the United Nations Convention on the Law of the Sea. In his presentation, the Secretary-General focused on the relevant official documents of the Assembly¹⁴ and the publication entitled *Ensuring the Sustainable Management and Stewardship of the*

⁴ See [ISBA/27/A/12](#).

⁵ See [ISBA/27/A/13](#).

⁶ [ISBA/25/A/16](#), annex.

⁷ See [ISBA/27/A/INF/1](#).

⁸ See [ISBA/27/A/INF/2](#).

⁹ See [ISBA/27/A/INF/3](#).

¹⁰ See [ISBA/27/A/INF/4](#).

¹¹ See [ISBA/27/A/INF/5](#).

¹² See [ISBA/27/C/21](#).

¹³ See [ISBA/27/C/21/Add.1](#).

¹⁴ See [ISBA/27/A/2](#) and [ISBA/27/A/2/Add.1](#).

Deep Seabed and its Resources for the Benefit of Humankind.¹⁵ Under the same agenda item, the Secretary-General 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.¹⁶

12. At its 192nd and 193rd meetings, on 2 August 2022, the Assembly conducted a general debate on the annual report of the Secretary-General. One regional group and 38 members of the Authority, as well as nine observers, made statements.

13. Delegations thanked the Government of Jamaica for its hospitality and its strong commitment and efforts in making the meeting possible. Many delegations also called for continued discussion and cooperation between the secretariat and the Government of Jamaica to ensure that the meetings of the Authority would return to the Jamaica Conference Centre in future.

14. Delegations thanked the Secretary-General for his comprehensive report and welcomed the new format, which was considered as providing a clear overview of the work of the Authority, as well as the range of activities implemented to advance the strategic directions set out in the strategic plan and high-level action plan of the Authority for 2019–2023. The vast majority of the delegations commended the efforts and work of the Legal and Technical Commission, the Finance Committee and the Secretariat in 2022 to progress their respective programme of work.

15. Many delegations appreciated the overall achievements in relation to the strategic plan and high-level action plan of the Authority for 2019–2023, including the substantial progress in advancing the nine strategic directions and associated high-level actions and outputs. Many delegations welcomed the contribution of the Authority to the achievement of the 2030 Agenda for Sustainable Development, as documented in an independent report issued in 2021,¹⁷ and noted with appreciation that the work of the Authority currently contributes to the realization of 12 of the 17 Sustainable Development Goals.

16. A number of delegations acknowledged with appreciation the Authority's contribution to several global processes and, in particular, the United Nations Ocean Conference, held in Lisbon, the United Nations Decade of Ocean Science for Sustainable Development, the 2022 high-level political forum on sustainable development, and the organization of the high-level event on fostering international and regional cooperation in support of the sustainable development of the blue economy of the least developed countries, land-locked developing countries and small island developing States, the organization of the Deep DiplomaSea webinar series and the Women in the Law of the Sea conference, to be held in September 2022. In this connection, the work of the Authority to promote gender equality and empowerment of women, in particular women scientists from developing States, in the area of marine scientific research was also highly appreciated by most delegations, which also encouraged the secretariat to pursue its efforts in this sector.

17. Several delegations called upon those members that were in arrears with the payment of their contributions to the administrative budget of the Authority to make their contributions as soon as possible. Some delegations informed the Assembly about their contributions to the voluntary trust funds administered by the Authority. In this regard, some delegations also pointed to the importance of the funding of scientific research and welcomed the establishment of the International Seabed Authority Partnership Fund. Several delegations called upon members, observers and other stakeholders to make contributions to the voluntary trust funds.

¹⁵ Available at <http://bit.ly/ISA-AR-2022>.

¹⁶ See ISBA/27/A/4.

¹⁷ Available at: https://isa.org.jm/files/files/documents/ISA_Contribution_to_the_SDGs_2021.pdf.

18. With regard to the regulatory framework for exploitation activities in the Area, a number of delegations highlighted that the draft exploitation regulations must ensure the effective protection of the marine environment and that regional environmental management plans should be in place before any mining activities start in the region concerned. In that regard, several delegations welcomed the progress made by the Legal and Technical Commission to develop regional environmental management plans for other areas, including the northern part of the Mid-Atlantic Ridge. Several delegations emphasized the importance of the payment regime and benefit-sharing mechanism in giving effect to the principle of common heritage of mankind. Some delegations also expressed their concerns over the potential adverse effects of mining activities in the Area on the economies of developing land-mining countries.

19. A number of delegations highlighted the importance of the operationalization of the Enterprise and encouraged the Council to progress the work at the following meeting of the Council, noting the intention of the African Group to table a draft decision for that purpose. Several delegations also expressed their support for the operationalization of the Economic Planning Commission before the first plan of work for exploitation is approved.

20. Many delegations noted with appreciation the progress made in the implementation of the programmatic approach to capacity development for developing States, including the nomination of national focal points for that purpose, the training opportunities provided by contractors, as well as national or regional training workshops organized by the secretariat. Delegations congratulated Kirsty McQuaid of South Africa, who was present at the meeting to be awarded the third Secretary-General's Award for Excellence in Deep-Sea Research. Many delegations expressed their appreciation to the Africa Deep Seabed Resources project and welcomed the upcoming workshop to be held in Abuja by the Authority in collaboration with the Government of Nigeria in October 2022.

21. Many delegations welcomed the approval by the Council of the memorandum of understanding between the Authority and the African Union. Several delegations also commended the various strategic alliances and partnerships with subregional, regional and global organizations and in that regard called for the establishment of more partnerships. Several delegations also commended the work undertaken for the development of the e-learning platform of the Authority, Deep Dive, in support of the development of capacities and skills of young professionals and experts.

22. Many delegations also commended the work of the secretariat in promoting and encouraging marine scientific research in the Area and welcomed participation in several international scientific research projects. They encouraged further cooperation with other international organizations, contractors and other stakeholders. Many delegations also acknowledged the progress made in relation to implementing the strategic research priorities in the Action Plan of the Authority in support of the UN Decade of Ocean Science for Sustainable Development and offered their support to the different initiatives implemented by the secretariat, including on the Sustainable Seabed Knowledge Initiative, concerning the advancement of scientific understanding of deep-sea ecosystems in the Area.

23. Many delegations welcomed the participation of the secretariat in the intergovernmental conference 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 United Nations Convention on the Law of the Sea and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (1994 Agreement) and ensuring harmonization,

complementarity and coherence between the instrument and the draft regulations on exploitation of mineral resources in the Area, through coordination and cooperation.

24. The Assembly took note of the annual report of the Secretary-General. The Assembly also took note of the report of the Secretary-General on the implementation of the action plan of the International Seabed Authority in support of the United Nations Decade of Ocean Science for Sustainable Development, requested the Secretary-General to continue his efforts to mobilize the necessary resources for the implementation of the strategic research priorities under the Action Plan for Marine Scientific Research and encouraged 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.¹⁸

VII. Report of the Finance Committee and adoption of the budget of the Authority

25. At its 194th meeting, on 3 August 2022, the Assembly considered the report of the Finance Committee.¹⁹ Taking into account the recommendations of the Council in its decision relating to financial and budgetary matters,²⁰ and also the relevant recommendations of the Finance Committee,²¹ the Assembly adopted a decision relating to financial and budgetary matters at the same meeting.²²

VIII. Election of members of the Finance Committee, in accordance with section 9 of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982

26. At its 195th meeting, the Assembly elected the following persons to serve on the Finance Committee of the Authority for a term of five years, commencing on 1 January 2023 and ending on 31 December 2027:

Ainomuhisha, Medard (Uganda)
 Akubor, Anastasia Francilia (Nauru)
 Alam, Khurshed (Bangladesh)
 Benninghofen, Jens (Germany)
 Bhat, Kajal (India)
 Fan, Kejun (China)
 Fujimoto, Shoko (Japan)
 Hilton, Christopher (United Kingdom)
 Kavina, Pavel (Czechia)
 Korbich, Solomon (Ghana)
 Litvinov, Sergey (Russian Federation)
 Ortolland, Didier (France)
 Pádua, Thiago Poggio (Brazil)
 Walton, Viola (Jamaica)
 Wong, Kenneth (Canada)

¹⁸ See [ISBA/27/A/4](#), para. 43.

¹⁹ See [ISBA/27/A/8-ISBA/27/C/36](#) and [ISBA/27/A/3/Add.1/Rev.1-ISBA/27/C/22/Add.1/Rev.1](#).

²⁰ [ISBA/27/C/40](#).

²¹ [ISBA/27/A/8-ISBA/27/C/36](#), para. 36.

²² [ISBA/27/A/10](#).

IX. 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

27. At its 196th meeting, on 4 August 2022, the Assembly elected 18 members of the Council for the term from 1 January 2023 to 31 December 2026, subject to an agreed rotation arrangement.²³

X. Tribute to the memory of the late Nii Allotey Odunton

28. At the 191st meeting of the Assembly, the Secretary-General delivered a statement in memory of the late Nii Allotey Odunton, the second Secretary-General of the Authority, who had died on 13 February 2022. The Assembly observed one minute of silence to pay tribute to the memory of Mr. Odunton. Several delegations also delivered statements in memory of Mr. Odunton.

XI. Other matters

29. At its 194th meeting, the Assembly considered the capacity development strategy of the Authority²⁴ and adopted a decision relating to the implementation of a programmatic approach to capacity development.²⁵

30. At its 195th and 196th meetings, the Assembly discussed a proposal submitted by Belgium concerning amendments to rule 82 of the rules of procedure of the Assembly.²⁶ It was agreed that the Assembly would revert to this matter if and when appropriate.

31. Several delegations and observers made statements concerning the interpretation and application of paragraph 15, section 1 of the Annex to the 1994 Agreement.

XII. Commemoration of the fortieth anniversary of the adoption and opening for signature of the Convention

32. At the request of the Government of Jamaica as the host country, a special event was held on the afternoon of 1 August 2022 to commemorate the fortieth anniversary of the adoption and opening for signature of the United Nations Convention on the Law of the Sea. The Minister of Foreign Affairs and Foreign Trade of Jamaica, Kamina Johnson Smith, made a statement. Two regional groups, 24 delegations and three observers also made statements. Delegations congratulated the Government and people of Jamaica on the sixtieth anniversary of independence of Jamaica.

XIII. Dates of the next session of the Assembly

33. The twenty-eighth session of the Assembly will be held from 24 to 28 July 2023. It will be the turn of the Group of African States to nominate a candidate for the presidency of the Assembly for its twenty-eighth session.

²³ See [ISBA/27/A/14](#).

²⁴ See [ISBA/27/A/5](#).

²⁵ See [ISBA/27/A/11](#).

²⁶ See [ISBA/27/A/6](#).



Council

Distr.: General
31 January 2022

Original: English

Twenty-seventh session

Council session, part I

Kingston, 21 March–1 April 2022

Item 11 of the provisional agenda*

Draft regulations on exploitation of mineral resources in the Area

Report of the Chair of the Legal and Technical Commission summarizing stakeholder feedback on the phase 1 draft standards and guidelines

I. Introduction

1. The Council will recall that, at the twenty-fifth session of the International Seabed Authority, the Chair of the Legal and Technical Commission submitted his report on the work of the Commission to the Council at the second part of its twenty-fifth session ([ISBA/25/C/19/Add.1](#)). In that report, the Commission decided to adopt a phased approach in the development of standards and guidelines to support the implementation of the draft regulations on exploitation of mineral resources in the Area ([ISBA/25/C/WP.1](#)) and a process for the development of phase 1 standards and guidelines.¹ In accordance with this process, the Commission was to prepare a report to the Council summarizing feedback from stakeholders and the reasons for its revisions to the phase 1 draft standards and guidelines. As part of the report, the Commission is to recommend and annex draft versions of the phase 1 standards and guidelines to the Council.

2. In view of the above mandate, during the twenty-sixth session of the International Seabed Authority, the Commission devoted a considerable amount of time and resources to the development of phase 1 draft standards and guidelines. In accordance with the agreed process, the present report has been prepared by the Chair of the Commission to provide the Council with a summary of key issues identified by stakeholders, the Commission's general approach to the review of stakeholder comments, and the phase 1 draft standards and guidelines. Note that terms with initial capital letters in the report have the same meaning as in the draft regulations.

3. The present report does not detail every comment received from stakeholders, rather it summarizes stakeholder feedback, explains the process that was undertaken

* [ISBA/27/C/L.1](#).

¹ See [ISBA/25/C/19/Add.1](#), annex, enclosures I and II.



by the Commission to revise the phase 1 draft standards and guidelines and provides reasons for the Commission's revisions. The Commission also anticipates that the standards and guidelines may need further revisions once the text of the regulations on exploitation of mineral resources in the area (exploitation regulations) is stable.

II. Overview of stakeholder consultation concerning phase 1 standards and guidelines

4. In 2020, the first stakeholder consultation process was carried out over a period of 60 days, from 24 August 2020 to 21 October 2020 for the following three phase 1 draft standards and guidelines:

(a) Draft guidelines on the preparation and assessment of an application for the approval of a Plan of Work for exploitation;

(b) Draft standard and guidelines on the development and application of environmental management systems;

(c) Draft standard and guidelines on the form and calculation of an Environmental Performance Guarantee.

5. In response, 45 submissions were received from 25 member States (15 Council and 10 non-Council members); 1 regional group; 9 observers, including 1 observer State; 8 contractors; and 2 other entities.

6. In 2021, the Commission prepared the following seven phase 1 draft standards and guidelines and placed them for a consultation period of some 90 days, from 8 April 2021 to 3 July 2021:

(a) Draft guidelines for the establishment of baseline environmental data;

(b) Draft standard and guidelines for the environmental impact assessment process;

(c) Draft guidelines for the preparation of environmental impact statements;

(d) Draft guidelines for the preparation of Environmental Management and Monitoring Plans;

(e) Draft guidelines on the tools and techniques for hazard identification and risk assessment;

(f) Draft standard and guidelines for the safe management and operation of mining vessels and installations;

(g) Draft standard and guidelines for the preparation and implementation of emergency response and contingency plans.

7. In response to the second stakeholder consultation process, 58 submissions were received from 27 member States (17 Council and 10 non-Council members); 1 regional group; 7 observers, including 1 observer State; 12 contractors; and 11 submissions were received from other entities, comprising private persons, institutions and universities.

8. The Commission worked intersessionally to review all comments from stakeholders and devoted the final week of its meetings for the twenty-sixth session, from 27 to 30 September 2021, to discussing stakeholder comments and concluding its work on the revised text for all 10 phase 1 draft standards and guidelines. The aim of the present report is to provide to the Council an overview of general comments raised by stakeholders of a cross-cutting nature, key comments concerning relevant issues which are specific to each of the phase 1 draft standards and guidelines, as well as the general approach to the revisions of the phase 1 draft standards and

guidelines taken by the Commission. Copies of all submissions received from stakeholders are also available at www.isa.org.jm/submissions-received-respect-stakeholder-consultations-standards-and-guidelines.

III. General approach of the Commission to the review of stakeholder comments and the revision of phase 1 standards and guidelines

9. The Commission worked intersessionally to review all comments received from stakeholders. A large volume of comments was received from stakeholders and, in some instances, comments received were conflicting in both: (a) their approach and understanding of the purpose of the standards and guidelines; and (b) the suggested revision. To avoid selecting some stakeholder comments over others, it was important for the Commission to adopt a general approach to the consideration of comments received from stakeholders and selecting proposed revisions.

10. The Commission's general approach was focused on: (a) implementing stakeholder comments that would ensure or improve consistency with the draft regulations; (b) improved consistency between phase 1 draft standards and guidelines; and/or (c) strengthening the regulatory function of the standard and/or guidelines to clearly outline what is expected of applicants. At all times, the Commission ensured that any accepted revisions also conformed with the Commission's outcome-based approach for the development of standards and guidelines as outlined in paragraph 20 (b) of [ISBA/25/C/19/Add.1](#) and the draft regulations.

IV. Stakeholder comments of a cross-cutting nature

11. Stakeholder comments of a cross-cutting nature concerned the overall process and timing of the stakeholder consultation and the need to ensure consistency between the draft regulations and the standards and guidelines, as well as consistency between the various standards and guidelines. In this regard, and to ensure consistency, several stakeholders suggested that all the phase 1 draft standards and guidelines should be reviewed and harmonized once the draft regulations were stable, prior to the adoption of the draft regulations by the Council.

12. An important outcome identified following the stakeholder consultation process was the need to develop a hierarchy for all standards and guidelines so that, in the event of a conflict between a standard and the guidelines or the regulations (including the annexes thereto), the regulations or the standard, as the case may be, will prevail. A significant number of stakeholder comments related to issues currently under discussion by the Council in the context of its consideration of and revisions to the draft regulations. In accordance with the agreed process as contained in [ISBA/25/C/19/Add.1](#), comments relating to amendments to the draft regulations were not considered by the Commission.

13. During the Commission's preparation of the phase 1 draft standards and guidelines and the consideration of comments received from stakeholders, it was noted by the Commission that it would be preferable to give further consideration to implementing a requirement for stakeholder consultation in the preparation of Environmental Plans. In this regard, the Commission noted that the draft regulations were currently before the Council for its consideration, but nonetheless wished to note in the present report that the Council may wish to consider amending the draft regulations to include stakeholder consultation as a requirement in the preparation of an applicant's Environmental Plans.

V. General comments and revisions to the draft guidelines on the preparation and assessment of an application for the approval of a Plan of Work for exploitation

14. Stakeholders suggested that the guidelines on the preparation and assessment of an application for the approval of a Plan of Work should provide further detail or context on how an application for a Plan of Work is to be assessed by the Commission. In that regard, the checklist contained in annex I and the flow chart contained in annex II to the draft guidelines were considered useful, but not necessarily sufficient, in providing guidance on the various elements of an application for a Plan of Work. Specifically, stakeholders commented that the guidelines should contain more details, in particular, on the data and information to be provided regarding the financial and technical capability of an applicant.

15. Some stakeholders suggested that it was also important for the guidelines to set out how the Commission and the Council would assess the information provided by an applicant against the criteria established in draft regulation 13 and what benchmarks would be applied in determining what is adequate and acceptable under the draft regulations. In this regard, stakeholders provided suggestions for criteria, containing additional requirements to those outlined in the draft regulations, which the Commission could use in evaluating an application, in particular with respect to the evaluation of Environmental Plans. A suggestion was also made that the guidelines also include a standard application form to be used by applicants or contractors.

16. Having considered the various stakeholder comments, the Commission decided to revise the draft guidelines on the preparation and assessment of an application for the approval of a Plan of Work for exploitation.

17. The Commission's revised draft guidelines on the preparation and assessment of an application for the approval of a Plan of Work for exploitation is contained in document [ISBA/27/C/3](#).

VI. General comments and revisions to the draft standard and guidelines on the development and application of environmental management systems

18. In response to the draft standard and guidelines on the development and application of environmental management systems, several stakeholders indicated that a thorough assessment of the document could be carried out only in the light of other environment-related standards and guidelines under development by the Commission, specifically those related to environmental impact assessments, Environmental Impact Statements, Environmental Management and Monitoring Plans and Emergency Response and Contingency Plans. In that regard, several stakeholder comments suggested that there may be a need to further clarify, in the phase 1 draft standards and guidelines, the relationship, and possible hierarchy, between the standards and guidelines on environmental management systems, environmental impact assessments, Environmental Impact Statements, Environmental Management and Monitoring Plans and Emergency Response and Contingency Plans.

19. Stakeholders made suggestions which, if implemented, would see several sections or issues currently included in the guidelines on the development and application of environmental management systems moved to the standard and converted from recommendations to binding obligations. This would be the case, for example, with regard to environmental objectives, nonconformities, auditing and

reporting requirements. Another stakeholder suggested that the standard should detail the elements and deliverables of an Environmental Management System (the “what”), including the required outcomes of the Environmental Management System, while the guidelines should set out “how” an Environmental Management System is to be applied. Stakeholders also noted that, while the Authority should require contractors to develop and implement an Environmental Management System that is aligned with International Organization for Standardization (ISO) 14001, it should not require them to have formal certification to the ISO standard.

20. Other stakeholders raised concerns as to the extent of reliance in the draft standard and guidelines for environmental management systems on contractors to define environmental metrics, including objectives, performance criteria and audits, noting that this may undermine the Authority’s efforts to discharge its mandate concerning the protection and preservation of the marine environment effectively. Some stakeholders expressed concern that the process, as set out in the draft standard and guidelines, was contractor driven. In that regard, some stakeholders suggested that the draft standard and guidelines should contain an outline of the environmental objectives, specific and measurable standards, as well as criteria for assessment of compliance that a contractor is required to meet to ensure continual environmental improvement, rather than focus only on the process to be undertaken by a contractor for the preparation and development of an Environmental Management System.

21. The Commission, having considered the various stakeholder comments, decided to revise the draft standard and guidelines by incorporating comments as appropriate, in particular those comments aimed at improving the outcome-based approach to the development of the draft standard and guidelines for environmental management systems. The Commission wishes to note that the Environmental Management System is an objective and not a prescriptive-based system, and therefore revisions emphasizing the outcome-based system were incorporated into the draft standard and guidelines.

22. A copy of the Commission’s revised draft standard and guidelines on the development and application of environmental management systems is contained in document [ISBA/27/C/7](#).

VII. General comments and revisions to the draft standard and guidelines on the form and calculation of an Environmental Performance Guarantee

23. For the draft standard and guidelines on the form and calculation of an Environmental Performance Guarantee, stakeholders commented on the scope of draft regulation 26 (2) and the limited activities that are proposed to be covered by an Environmental Performance Guarantee. Several stakeholders suggested that the scope of draft regulation 26 (2) should be widened to cover “any other environmental related costs that the contractor cannot or is unwilling to cover”. These suggestions may reflect different understandings by some stakeholders of the proposed scope of the Environmental Performance Guarantee, the operation of the Environmental Compensation Fund and a contractor’s insurance obligations. The Commission notes that the draft regulations clearly specify the object and purpose of the Environmental Performance Guarantee.

24. Stakeholders commented on the objective standard of “the greatest reasonably credible costs” in calculating the costs to complete the activities contained in draft regulation 26 (2). Comments suggested that greater interpretive guidance on the objective standard of calculation was necessary for applicants to understand what was

required to meet the standard. Other comments, primarily from contractors, sought to reduce the standard of calculation by removing words such as “highest”, “greatest” and “worst case scenario”.

25. Stakeholders welcomed the flexibility in the standard and guidelines. However, several stakeholders suggested that a “self-guarantee or company guarantee” be removed from the suggested list of forms of security that an applicant or contractor could propose as part of a Plan of Work. Stakeholders suggested that such a form of security was nothing more than a promise by the applicant or contractor and did not provide the Authority with any security should the contractor become insolvent. Comments indicated that it would be difficult to foresee any circumstances where a self-guarantee or company guarantee could be accepted as an Environmental Performance Guarantee.

26. Stakeholders sought further instructions to be included in either the standard or guidelines on how a sufficient Environmental Performance Guarantee could be lodged by way of instalments. Draft regulation 26 (3) explicitly stipulates that an Environmental Performance Guarantee “may be provided by way of instalments over a specified period according to the relevant Guidelines”.

27. The Commission, having considered the various stakeholder comments, decided to revise the draft standard and guidelines by incorporating stakeholder comments as appropriate. Specifically, the issue of instalments under draft regulation 26 (3) was addressed with the inclusion of additional text. The Commission also removed a “self-guarantee or company guarantee” from the recommended forms of security.

28. The Commission wishes to emphasize to the Council that the draft standard and guidelines on the form and calculation of an Environmental Performance Guarantee provide the necessary flexibility as to the method for calculating the Environmental Performance Guarantee and its form, including clear parameters for ensuring a sufficient guarantee that is independently validated and is based on objective criteria as to the greatest reasonably credible costs.

29. A copy of the Commission’s revised draft standard and guidelines on the form and calculation of an Environmental Performance Guarantee is contained in document [ISBA/27/C/10](#).

VIII. General comments and revisions to the draft guidelines for the establishment of baseline environmental data

30. With regard to the draft guidelines for the establishment of baseline environmental data, some stakeholders commented that the guidelines did not stipulate mandatory thresholds in the collection of baseline environmental data in the form of a standard, but rather contained an outline of the recommended process and procedure to be followed by an applicant or contractor in the form of a guideline.

31. Some stakeholders noted that some aspects of the draft guidelines were inconsistent with the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area ([ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#)). They noted in their comments that: (a) a more onerous level of baseline data was recommended under the draft guidelines vis-à-vis the recommendations, which would be “unfair” on applicants or contractors; and (b) certain items for baseline data that are contained in the recommendations are however missing or are described in far less detail in the guidelines. Stakeholders also queried the continued role of the recommendations after the draft guidelines are issued.

32. Comments were also made concerning missing recommendations on the socioeconomic environment in the draft guidelines. Stakeholders suggested that such data should be included in the draft guidelines, considering that data concerning the socioeconomic environment is outlined in the template for an Environmental Impact Statement contained in annex IV to the draft regulations.

33. The Commission, having considered the various stakeholder comments, decided to revise the draft guidelines by incorporating stakeholder comments as appropriate. Specifically, the issue of the relationship between the draft guidelines and the recommendations was further clarified, and the inconsistencies with the recommendations were resolved. The Commission also decided that issues concerning socioeconomic matters would be best detailed in the draft guidelines for the preparation of environmental impact statements.

34. In addition to the summary above, the Commission wishes to draw to the attention of the Council the fact that all stakeholder comments were considered and addressed as appropriate, including substantial additional input from the technical working group. As noted in paragraphs 20 (e) and 10 of the annex to [ISBA/25/C/19/Add.1](#), the Council will recall that a technical working group was established, led by members of the Commission, including experts in the field, in accordance with article 165 (2) (e) of the United Nations Convention on the Law of the Sea, in order to take into account their views in the development by the Commission of the guidelines for the establishment of baseline environmental data. Depending on the evolution of the negotiations of the draft regulations, a few comments and suggestions on very specific technical issues may require further discussion by the Commission. However, given the adaptability of the guidelines, this should not delay their implementation or affect their use.

35. A copy of the Commission's revised draft guidelines for the establishment of baseline environmental data is contained in document [ISBA/27/C/11](#).

IX. General comments and revisions to the draft standard and guidelines for the environmental impact assessment process

36. With respect to the draft standard and guidelines for the environmental impact assessment process, several general and technical comments were received concerning: (a) the suitability of qualified experts and how to appropriately process the information provided by such experts; (b) the likelihood of rehabilitation and restoration offsets for deep seabed mining as part of the mitigation hierarchy; (c) the use of the term "impact area", as opposed to "contract area" when assessing environmental impact; (d) the necessity of including quantitative environmental thresholds in the draft standard and guidelines; and (e) the harmonization of all draft standards and guidelines relating to the Environmental Plans.

37. Additionally, some stakeholders commented on the need for mandatory stakeholder consultation throughout the entire environmental impact assessment process, commencing from the scoping phase.

38. The Commission, having considered the various stakeholder comments, decided to revise the draft standard and guidelines by incorporating stakeholder comments as appropriate. In particular, the Commission decided to provide greater detail concerning rehabilitation and restoration offsets for deep seabed mining as part of the mitigation hierarchy, clarified the use of the term "impact area" as opposed to "contract area" when assessing environmental impact and sought to emphasize the importance of stakeholder consultation throughout the environmental impact assessment process.

39. In addition to the summary above, the Commission wishes to draw to the attention of the Council the following matters:

(a) Several stakeholders suggested that the standards and/or guidelines for environmental impact assessments and Environmental Impact Statements be combined into a single instrument to avoid potential confusion concerning the obligations of the applicant or contractor. However, the Commission considered the issue and decided that the draft standards and/or guidelines for environmental impact assessments and Environmental Impact Statements should remain separate (although closely linked) as they are distinct and independent regulatory tasks under the draft regulations. Specifically, the environmental impact assessment is a process, while the Environmental Impact Statement is a separate recording of the outcome of that process.

(b) The requirement for environmental impact assessments in the draft regulations is wide in its scope and application. The environmental impact assessment includes not just environmental aspects, but also an assessment of potential social, economic and cultural impacts. At the national level, the aspects included in an environmental impact assessment differ between countries and in some instances are separated into distinct assessments of potential environmental, social, economic and cultural impacts. The Commission notes that the intention here, however, is to retain the overarching environmental impact assessment concept so that all elements are linked in an integrated environmental impact assessment.

(c) The environmental impact assessment is an assessment of all available data and information and proposed mitigation measures to address major impacts (which are further developed and considered in the Environmental Management and Monitoring Plan). Some stakeholders felt that the guidelines for assessing environmental impacts should more explicitly incorporate the precautionary approach. The Commission notes that the precautionary approach is reflected as an overarching regulatory approach in the draft regulations and considers that the precautionary approach is not so much an approach to scientific assessment but rather a matter of how the environmental impact assessment translates into effective and acceptable environmental management.

40. As noted in paragraphs 20 (e) and 10 of the annex to [ISBA/25/C/19/Add.1](#), the Council will recall that a technical working group led by members of the Commission was also established, including, in accordance with article 165 (2) (e) of the United Nations Convention on the Law of the Sea, experts in the field, in order to take into account their views in the development by the Commission of the standard and guidelines for environmental impact assessments.

41. A copy of the Commission's revised draft standard and guidelines for the environmental impact assessment process is contained in document [ISBA/27/C/4](#).

X. General comments and revisions to the draft guidelines for the preparation of environmental impact statements

42. Regarding the draft guidelines on the preparation of an Environmental Impact Statement, some stakeholder comments were received concerning alleged inadequacies of the guidelines in setting out the potential socioeconomic impact statement process.

43. Some stakeholders also commented that the guidelines did not include sufficient alternatives for analysis and that there should be a dedicated section in the guidelines for comparison of alternatives. It was suggested by some stakeholders that decision makers needed to be able to consider and analyse the impacts of a reasonable range of alternatives to a proposed action, including a no-action or no mining alternative.

44. The Commission, having considered the various stakeholder comments, decided to revise the draft guidelines by incorporating stakeholder comments as appropriate. Specifically, the guidelines were revised to set out considerations for the potential socioeconomic impacts of a project.

45. In addition to the summary above, the Commission wishes to draw to the attention of the Council the following matters:

(a) The Environmental Impact Statement should also include an assessment of potential impacts on marine protected areas or special conservation areas designated by other relevant organizations. This requirement has been expanded in the draft guidelines.

(b) Any uncertainty in assumptions, data and results of the environmental impact assessment, and subsequently the Environmental Impact Statement, need to be explained in the Environmental Impact Statement. This has been reflected in revisions to the draft guidelines on the preparation of an Environmental Impact Statement and links with the draft guidelines on the preparation of an Environmental Management and Monitoring Plan.

(c) References to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, (London Convention), 1972, should also include a reference to the 1996 Protocol thereto (London Protocol).

46. As noted in paragraphs 20 (e) and 10 of the annex to [ISBA/25/C/19/Add.1](#), the Council will recall that a technical working group led by members of the Commission was also established, including, in accordance with article 165 (2) (e) of the United Nations Convention on the Law of the Sea, experts in the field, in order to take into account their views in the development by the Commission of the guidelines for the preparation of an Environmental Impact Statement.

47. A copy of the Commission's revised draft guidelines for the preparation of environmental impact statements is contained in document [ISBA/27/C/5](#).

XI. General comments and revisions to the draft guidelines for the preparation of Environmental Management and Monitoring Plans

48. With respect to the draft guidelines for the preparation of Environmental Management and Monitoring Plans, some stakeholders commented that: (a) consideration should be given to producing a standard rather than a guideline; (b) environmental management and monitoring measures should reflect requirements and determinations contained in relevant regional environmental management plans; (c) there should be mandatory stakeholder consultation, specifically, targeted consultation with potentially affected coastal States; and (d) monitoring and sampling equipment may benefit from third party approval of the design, such as type approval, as well as a technology qualification process to ensure that the equipment is functional and meets performance requirements under the Environmental Management and Monitoring Plan.

49. Some stakeholders pointed to more technical aspects of the draft guidelines, such as the difference between a performance review of the Environmental Management and Monitoring Plan and a review of a particular control measure.

50. The Commission, having considered the various stakeholder comments, decided to revise the draft guidelines by incorporating stakeholder comments as appropriate and in accordance with the Commission's general approach to revisions. Specifically,

revisions were made to improve and reinforce aspects relating to the protection of the marine environment. The Commission considered that it was not necessary to merge, either in part or as a whole, the guidelines into a standard for the preparation of an Environmental Management and Monitoring Plan. The draft regulations require an Environmental Management and Monitoring Plan to be completed and a list of the aspects to be covered is contained in annex VII to the draft regulations. However, the draft regulations and annex VII do not stipulate the manner in which these aspects are to be addressed. It was therefore appropriate to maintain guidelines and not a standard for the preparation of an Environmental Management and Monitoring Plan.

51. The Council will note that annex I to the draft guidelines for the preparation of an Environmental Management and Monitoring Plan remains incomplete. The Commission intends to prepare an example of a table of contents once the draft regulations have been confirmed as stable by the Council.

52. As noted in paragraphs 20 (e) and 10 of the annex to [ISBA/25/C/19/Add.1](#), the Council will recall that a technical working group led by members of the Commission was also established, including, in accordance with article 165 (2) (e) of the United Nations Convention on the Law of the Sea, experts in the field, to take into account their views in the development by the Commission of the guidelines for the preparation of an Environmental Management and Monitoring Plan.

53. A copy of the Commission's revised draft guidelines for the preparation of Environmental Management and Monitoring Plans is contained in document [ISBA/27/C/6](#).

XII. General comments and revisions to the draft guidelines on the tools and techniques for hazard identification and risk assessment

54. Regarding the draft guidelines on the tools and techniques for hazard identification and risk assessment, stakeholder comments were received concerning: (a) lack of consistency in the use of various terminology with the standards and guidelines on environmental impact assessments, the preparation of an Environmental Impact Statement and the preparation of an Environmental Management and Monitoring Plan; (b) issues of consistency in internal cross-referencing; and (c) access to recommended international standards.

55. Most stakeholder comments supported the strong environmental basis for the guidelines. One stakeholder suggested that, since the guidelines indicate that certain risk assessment tools or methodologies are preferred over others and the Commission may exercise its discretion in rejecting a proposal on this basis, the guidelines should be changed into a standard.

56. The Commission, having considered the various stakeholder comments, decided to revise the draft guidelines by incorporating stakeholder comments as appropriate and specifically addressed the issue of consistent terminology across the various phase 1 draft standards and guidelines. The Commission considered that it was not necessary to merge, either in part or as a whole, the guidelines into a standard for tools and techniques for hazard identification and risk assessment. The draft regulations do not prescribe or require that certain tools and techniques for hazard identification and risk assessment be used by contractors. It was therefore appropriate to maintain guidelines that included suggested tools or methodologies and not a standard for tools and techniques.

57. In addition to the summary above, the Commission notes that the Council may wish to consider: (a) facilitating cooperation between contractors that are conducting hazard identification and risk assessment in neighbouring contract areas; and (b) ensuring that any overlaps in the phase 1 draft standards and guidelines concerning risk assessment are harmonized once the draft regulations are stable.

58. A copy of the Commission's revised draft guidelines on the tools and techniques for hazard identification and risk assessment is contained in document [ISBA/27/C/8](#).

XIII. General comments and revisions to the draft standard and guidelines for the safe management and operation of mining vessels and installations

59. With respect to the draft standard and guidelines for the safe management and operation of mining vessels and installations, stakeholder comments were received concerning: (a) a request for greater clarity as to the scope of and distinction between the terms "vessels" and "installations" so as to clarify the remit and applicability of the draft standard and guidelines; (b) access to and the applicable existing international standards for safe management of vessels at sea; and (c) lack of harmonization with other phase 1 draft standards and guidelines.

60. One comment highlighted the issue of workplace conduct and safety, suggesting the inclusion of gender-related safety-at-sea issues and freedom from harassment in the workplace as useful additions to the draft standard and guidelines.

61. The Commission having considered the various stakeholder comments, decided to revise the draft standard and guidelines by incorporating stakeholder comments as appropriate. Specifically, revisions were made to clarify the scope of and distinction between the terms "vessels" and "installations" and to outline with greater specificity other relevant international standards for safe management of vessels at sea.

62. In addition to the summary above, the Commission wishes to note that draft standard and guidelines for the safe management and operation of mining vessels and installations should be read in conjunction with the draft guidelines on the tools and techniques for hazard identification and risk assessment, in which the relevant and applicable risk assessment and risk management tools are described.

63. A copy of the Commission's revised draft standard and guidelines for the safe management and operation of mining vessels and installations is contained in document [ISBA/27/C/9](#).

XIV. General comments and revisions to the draft standard and guidelines for the preparation and implementation of emergency response and contingency plans

64. Regarding the draft standard and guidelines for the preparation and implementation of emergency response and contingency plans, stakeholder comments were received concerning: (a) tightening of language and further specificity in setting out obligations or minimum requirements; (b) consistency with the draft regulations in the use of terms, specifically any distinction between accidents and incidents; and (c) the interplay between the standard and guidelines and any emergency response plans required by the flag State of the vessel.

65. One stakeholder comment suggested that, despite the jurisdictional competence over vessels by flag States and sponsoring States engaged in exploitation, it would be

pertinent to develop a uniform emergency plan for all types of emergencies during mining operations.

66. The Commission, having considered the various stakeholder comments, decided to revise the draft standard and guidelines by incorporating stakeholder comments as appropriate, specifically by providing more clarity on issues such as the purpose, scope and objectives of the standard and guidelines and improving consistency with the draft regulations.

67. In addition to the summary above, the Commission also wishes to draw to the attention of the Council the following matters:

(a) Although jurisdictional competencies may differ between vessels or installations, the aim of the draft standard is to provide an Emergency Response and Contingency Plan that is comprehensive and uniformly addresses contingencies. In this regard, the text of the draft standard and guidelines provides a degree of flexibility and is aimed at implementing the outcome-based approach. Critically, it will be important to link the draft standard and guidelines with the draft standard and guidelines for the safe operation of mining vessels and installations, to ensure consistency.

(b) Types of “Accidental events to be specifically considered for mining operation” may be expanded to also include “Spills of harmful substances other than oil”.

68. A copy of the Commission’s revised draft standard and guidelines for the preparation and implementation of emergency response and contingency plans is contained in document [ISBA/27/C/12](#).

XV. Recommendations

69. The Commission submits the revised phase 1 draft standards and guidelines contained in documents [ISBA/27/C/3–ISBA/27/C/12](#) for the consideration and approval of the Council.



Council

Distr.: General
28 February 2022

Original: English

Twenty-seventh session

Council session, part I

Kingston, 21 March–1 April 2022

Item 18 of the provisional agenda*

Report on 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 keeping with the mandate of the Special Representative of the Secretary-General of the International Seabed Authority for the Enterprise in view of the decision of the Council of 10 December 2021 relating to the reports of the Chair of the Legal and Technical Commission, in which it is indicated that the mandate of the Special Representative should be extended until the end of the twenty-seventh session.¹

2. At the outset, the Special Representative wishes to reiterate comments made in his previous report in December 2021 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, is realized. To achieve this objective, it is expected that there would be adoption of the recommendation of the Legal and Technical Commission on the appointment of an interim director general for the Enterprise.

3. In view of further consultations to be held in the Council on this matter,² the present report has been prepared to provide background information for such consultations.

4. The report provides a brief description of managerial policy and administrative options for the administration of the Enterprise, as well as of administrative functions of the interim director general during the period July 2022–December 2023.

* [ISBA/27/C/L.1](#).

¹ [ISBA/26/C/57](#), para. 19.

² *Ibid.*



II. Managerial policy options for the administration of the Enterprise during the period July 2022–December 2023

5. The discussion of managerial policy options for the administration of the Enterprise presented will be limited to reference to the current stage and envisages the appointment, on a full-time basis, of an interim director general in anticipation of what would be required if the recommendations of the Legal and Technical Commission³ on the study related to issues on the operationalization of the Enterprise⁴ were adopted. This will take into consideration the provisions of the Agreement, which contemplates an evolutionary approach to the operationalization of the Enterprise through a step-by-step progression based on the functional needs of the Enterprise at each of the steps.

6. The adoption of the above-mentioned recommendation of the Commission would result in the appointment of an interim director general for the Enterprise, who would oversee the specified functions listed in section 2 (1) of the annex to the Agreement, and would be in keeping with what is provided for in the Agreement.

7. The appointment of an interim director general would necessitate the adoption of managerial policy options for the effective administration of the Enterprise until it begins to operate independently of the secretariat. This would be based on the functional needs of the Enterprise, as recognized in the Agreement and enumerated in section 2 (1) of its annex. They fall under the following broad categories: (a) performing desk work related to the pre-prospecting phase; (b) performing desk work utilizing the data and information on the reserved areas, related to the resource and the environment; and (c) being prepared to be an effective partner in joint ventures, both managerially and technically. It is also recognized that whatever structure is put in place must be cost-effective to members of the Authority.

8. To ensure the necessary operational independence, it is proposed to establish the interim Enterprise within the secretariat, as an autonomous unit. It may be noted that the Secretary-General had provided indicative costings for such a unit, comprising the interim director general and one administrative support officer, in the context of the proposed budget for the Authority for the financial period 2021–2022.⁵ The Finance Committee had reviewed those costings during its meetings in 2020,⁶ although financial provision for the Enterprise had not been included in the budget for the financial period 2021–2022 pending a decision by the Council on the operationalization of the Enterprise.⁷

III. Administrative functions of the interim director general during the period July 2022–December 2023

9. The following functions are to be performed by the interim director general:
- (a) Assessment of approaches to joint ventures;

³ ISBA/26/C/12, para. 41.

⁴ Edwin Egede, Mati Pal and Eden Charles, “A study related to issues on the operationalization of the Enterprise: legal, technical and financial implications for the International Seabed Authority and for States parties to the United Nations Convention on the Law of the Sea”, International Seabed Authority, technical report 1/2019, 13 June 2019.

⁵ ISBA/26/A/5-ISBA/26/C/18.

⁶ ISBA/26/A/10-ISBA/26/C/21, para. 30.

⁷ The necessary financial provision was estimated at \$637,320 for the financial period. A revised indicative estimate will be prepared for consideration in the context of the budget proposal for the financial period 2023–2024.

(b) Preparation of rules, regulations and procedures on sound commercial principles. It is maintained that the concept of sound commercial principles would have to be interpreted and understood in the light of the following parameters, on the basis of the provisions of part XI of the Convention and the Agreement: the common heritage principle; autonomy of the Enterprise to make effective commercial decisions without political influence; cost-effectiveness in relation to the operations of the Enterprise; evolutionary approach in its operationalization; and commercial viability;

(c) Initiation of consultations with the Council for the utilization of the reserved areas so that the Enterprise can be operationalized; such consultations may deal with exploration contracts for the reserved areas and joint ventures for exploration of the reserved areas;

(d) Arrangement for independent information, advice and assistance to the Council in its consideration of the joint venture proposals and examination of whether such proposals are in accordance with sound commercial principles, as applicable;

(e) Initiation of consultations immediately with States parties so that voluntary contributions from them are explored most vigorously;

(f) Performance, to the fullest extent possible, of the functions assigned to the secretariat, which is currently acting on behalf of the Enterprise, paying special attention to assessment of approaches to joint ventures and study of managerial policy options for the administration of the Enterprise;

(g) Arrangement for preparing and providing inputs on behalf of the Enterprise to the Council in its deliberations on the development of the Mining Code, including in particular the provisions on financial payment and equity participation;

(h) Attendance of meetings, workshops, seminars and other events organized by the Authority.

IV. Future action required

10. As mentioned above, there is a need for timely action to ensure that the step-by-step approach provided for in the Agreement on the operationalization of the Enterprise is realized by appointing an interim director general. This would enable 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.

11. The Council is invited to take note of the present report and to request the Secretary-General to include an indicative budget and work programme for the Enterprise in his proposed budget for the financial period 2023–2024.



Council

Distr.: General
24 June 2022

Original: English

Twenty-seventh session

Council session, part I

Kingston, 21 March–1 April 2022

Agenda item 18

Report on matters relating to the Enterprise

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

Corrigendum

Paragraph 8, first sentence

For to establish the interim Enterprise within the secretariat *read* to establish the position of Interim Director General within the secretariat





Council

Distr.: General
18 March 2022

Original: English

Twenty-seventh session

Council session, part I

Kingston, 21 March–1 April 2022

Item 9 of the provisional agenda*

Consideration, with a view to approval, of an application for extension of a contract for exploration

Application for extension of the contract for exploration for polymetallic nodules between the Government of India and the International Seabed Authority

Report and recommendations of the Legal and Technical Commission

The Legal and Technical Commission,

Recalling that, on 25 March 2002, the Government of India entered into a 15-year contract for exploration for polymetallic nodules with the International Seabed Authority,

Recalling also that the contract was extended for a period of five years to 24 March 2022,¹

Noting that, on 20 October 2021, the Secretary-General of the International Seabed Authority received an application for a five-year extension of that contract from the Government of India, pursuant to section 1, paragraph 9, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982,²

Noting also that, on 3 and 4 November 2021, the Secretary-General notified members of the Authority and members of the Legal and Technical Commission, respectively, of the receipt of the application and placed consideration of the application on the agenda of the Commission for the twenty-seventh session of the Authority,

Recalling the provisions of section 1, paragraph 9, of the annex to the Agreement,

* ISBA/27/C/L.1.

¹ See ISBA/23/C/15.

² United Nations, *Treaty Series*, vol. 1836, No. 31364.



Recalling also the decision of the Council of the International Seabed Authority relating to the procedures and criteria for the extension of an approved plan of work for exploration pursuant to section 1, paragraph 9, of the annex to the Agreement,³

Recalling further that the Commission is required to consider applications expeditiously and in the order in which they are received,

Recalling that the Commission shall recommend approval of the application for extension of the contract for exploration if it considers that the contractor has made efforts in good faith to comply with the requirements of the contract for exploration but, for reasons beyond the contractor's control, has been unable to complete the preparatory work necessary for proceeding to the exploitation stage, or if the prevailing economic circumstances do not justify proceeding to the exploitation stage,

Conscious of the effects that the extraordinary circumstances of the coronavirus disease (COVID-19) pandemic have had on activities during the past years,

Having considered the application by the Government of India during its meetings held virtually from 14 to 18 March 2022, in accordance with the procedures and criteria,

Having requested the applicant to provide further data and information to supplement its application, and noting that such data and information were duly supplied to the satisfaction of the Commission,

Having considered the grounds advanced by the applicant for requesting an extension of its contract and the information provided to establish that, for reasons beyond its control, it was unable to complete the preparatory work necessary for proceeding to the exploitation stage and that the prevailing economic circumstances do not justify proceeding to that stage,

Having concluded that the applicant has made efforts in good faith to comply with the requirements of the contract for exploration but, for reasons beyond its control, has been unable to complete the preparatory work necessary for proceeding to exploitation,

1. *Recommends* that the Council of the International Seabed Authority approve the application for extension of the contract for exploration for polymetallic nodules between the Government of India and the Authority for a period of five years from 25 March 2022;

2. *Requests* the Secretary-General of the International Seabed Authority to take the steps necessary to ensure that the proposed programme of activities for the extension period contained in the application is adjusted to take into account the issues raised in the questions asked by the Legal and Technical Commission and the responses given by the applicant before the programme of activities is attached as annex I to the agreement to be drawn up between the Authority and the Government of India concerning the extension of the contract for exploration for polymetallic nodules, in accordance with appendix II to the decision of the Council.⁴

³ ISBA/21/C/19.

⁴ Ibid.



Council

Distr.: General
18 March 2022

Original: English

Twenty-seventh session

Council session, part I

Kingston, 21 March–1 April 2022

Item 14 of the provisional agenda*

**Report of the Chair of the Legal and Technical Commission on
the work of the Commission at its twenty-seventh session**

Report of the Chair of the Legal and Technical Commission on the work of the Commission at the first part of its twenty-seventh session

I. Introduction

1. Part I of the twenty-seventh session of the Legal and Technical Commission of the International Seabed Authority was held from 14 to 18 March 2022 in virtual format. Part II will be held in July 2022.
2. The Commission held a total of 10 plenary meetings. The working groups set up by the Commission also met frequently in virtual format on relevant agenda items.
3. On 14 March, the Commission adopted its agenda¹ and re-elected Harald Brekke as Chair and Thembile Joyini as Vice-Chair of the Commission.

II. Activities of the contractors

A. Implementation of training programmes under contracts for exploration and allocation of training opportunities

4. On 14 March, the Commission was briefed on the selection of candidates for training programmes since October 2021. The Commission endorsed the recommendations by the training subgroup on the selection of candidates for those training opportunities.²

* ISBA/27/C/L.1.

¹ ISBA/27/LTC/1.

² ISBA/27/LTC/5.



B. Status of the relinquishment of areas under contracts for exploration

5. On 14, 17 and 18 March, the Commission considered a request by the Federal Institute for Geosciences and Natural Resources (BGR) to defer the schedule for relinquishment of parts of its contract area allocated to it under the exploration contract for polymetallic sulphides.³ After taking into consideration the justifications provided by the contractor due to the situation of the coronavirus disease (COVID-19) pandemic, the Commission found that the reasons presented by the contractor would qualify as “unforeseen exceptional circumstances arising in connection with the operational activities of the contractor”, and recommended to the Council to defer by one year the schedule of the first relinquishment to 6 May 2024 and the second relinquishment to 6 May 2026. A draft decision of the Council on the deferral of the schedule of relinquishment upon request by BGR is annexed to the present report.

6. On 14 March, the Commission took note of the information on the relinquishment of one third of the area allocated to the Japan Oil, Gas and Metals National Corporation (JOGMEC) under the contract for exploration for cobalt-rich ferromanganese crusts between JOGMEC and the Authority.

C. Consideration of an application for the extension of a contract for exploration

7. On 14 March, the Commission commenced consideration of an application for the extension of an approved plan of work for exploration for polymetallic nodules received from the Government of India,⁴ in accordance with the decision of the Council relating to the procedures and criteria for the extension of an approved plan of work for exploration pursuant to section 1, paragraph 9, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.⁵

8. The Commission set up three working groups to review the geological and technological aspects, the legal, financial and training aspects and the environmental aspects of the application.

9. Following extensive deliberations in the plenary meeting on 14 March, the Commission considered questions prepared by the working groups on 15 March. A list of questions was transmitted in writing to the applicant on 15 March, concerning financial expenditure, the training programme, sampling programmes, environmental baselines, environmental scientific capabilities, mineral resources assessment and metallurgical processes. Responses were received on 17 March. After considering the responses, the Commission requested further clarifications from the applicant in writing on 17 March. The responses were received on 18 March.

10. After further considering the responses, the Commission noted with appreciation that all the requested data and information had been duly supplied. The Commission recalled that, pursuant to paragraph 12 of the procedures and criteria, if it considered that a contractor had made efforts in good faith to comply with the requirements of the contract for exploration but that, for reasons beyond its control, had been unable to complete the preparatory work necessary for proceeding to the exploitation stage, or if the prevailing economic circumstances (such as those encountered in the global markets and low metal prices) did not justify proceeding to the exploitation stage, then it was to recommend the approval of the application.

³ [ISBA/27/LTC/4](#).

⁴ [ISBA/27/LTC/3](#).

⁵ [ISBA/21/C/19](#).

11. In addition, members of the Commission had suggestions regarding the proposed programme of activities during the extension period as submitted by the applicant. The suggestions will be communicated to the applicant upon approval of the extensions by the Council, with a view to being taken into account by the applicant in drawing up the proposed programmes of activities for the extension period before the extension agreement is signed with the Secretary-General.

12. Having concluded that the data and information provided by the applicant have met the criteria set out in the decision in document [ISBA/21/C/19](#) and that all applicable procedures have been complied with, the Commission recommends that the Council approve the application.

13. The report and recommendations of the Commission relating to the application is contained in document [ISBA/27/C/15](#).

III. Consideration of an application for approval of a plan of work for exploration

14. On 15 March, the Commission started its consideration of an application for approval of a plan of work submitted by Circular Metals Tuvalu Ltd. with delivery of a presentation by the applicant, which was followed by an oral question-and-answer session. The Commission then discussed the application and set up three working groups to review the geological and technological aspects, the legal, financial and training aspects and the environmental aspects of the application.

15. On 16 and 17 March, the Commission considered questions prepared by the working groups, in particular concerning the financial and technical capabilities of the applicant, the framework of the proposed plan of work for 15 years and details of the proposed programme of work for the first 5-year period. A list of questions from the Commission was sent to the applicant on 18 March. The Commission decided to continue its consideration of the application at part II of its twenty-seventh session, in July.

IV. Development of regional environmental management plans

16. On 16 and 18 March, the 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, prepared by the working group of the Commission. The Commission decided to continue working on the draft plan on the basis of the comments and suggestions discussed at its meetings in March. The Commission also decided that the revised draft plan, once endorsed by the Commission intersessionally, would be released thereafter for stakeholder consultation. The Commission will consider the stakeholder comments at its next meeting.

17. The Commission also made progress in response to the request of the Council, contained in document [ISBA/26/C/10](#), with regard to recommending to the Council a standardized approach to the development of regional environmental management plans, including a template with indicative elements. The Commission considered a report by the above-mentioned working group on the development of a template to guide the preparation of the draft plan for the northern Mid-Atlantic Ridge. The Commission was briefed on the rationale for the inclusion of the suggested elements in the template, taking into consideration the structure of the environmental management plan for the Clarion-Clipperton Zone⁶ and the proposed template for regional environmental management plans, submitted to the Council by the delegations of Germany and the

⁶ [ISBA/17/LTC/7](#).

Netherlands, with co-sponsorship by Costa Rica.⁷ The Commission agreed that the template formulated by the working group could also serve as a general template, with indicative elements, to guide the development of future such plans.

18. In the light of the discussion above, the Commission decided to start drafting a recommendation on a general template for regional environmental management plans, including indicative elements, based on the report of the working group. The general template, including indicative elements, will be presented to the Council in July. The Commission also decided to continue working on a standardized approach to the development of regional environmental management plans in July, based on the experience in developing the regional environmental management plans for the Clarion-Clipperton Zone and the northern Mid-Atlantic Ridge.

V. Review of the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area

19. On 18 March, the Commission considered the request of the Council to review the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area as contained in document [ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#).⁸ The Commission set up a working group to work intersessionally on the matter.

VI. Other matters

20. It is recalled that, on 30 July 2021, the Secretary-General received an environmental impact statement from Nauru Ocean Resources Inc. (NORI) regarding its plans to carry out testing of a polymetallic nodule collector, in the NORI-D contract area of the eastern Clarion-Clipperton Zone, in the Central Pacific Ocean.⁹ During its twenty-sixth session, on 30 September 2021, the Commission took note of the environmental impact statement and set up a working group to review it intersessionally. The working group met in December 2021 to consider the statement.

21. On 23 December 2021, NORI informed the Secretary-General that it had collaborated with the Government of Nauru to develop a stakeholder consultation process, and sought permission to submit an amended environmental impact statement incorporating amendments as a result of the stakeholder consultation process no later than 14 March 2022, given the number of comments received. The Secretary-General requested NORI to submit the amended statement as soon as possible but no later than 1 March 2022, without prejudging the action that the Commission would take when it considered the matter at its next meeting.

22. After receipt of the amended environmental impact statement on 1 March, the working group of the Commission resumed its consideration of the statement and held several virtual meetings. The working group, among other things, scoped the changes to the previous statement and discussed key issues of concern that would be a focus of further consideration and a time frame for the review of the statement. On 15, 17 and 18 March, the Commission was updated on the work of the working group before and during the session. The Commission decided to request a more substantive monitoring plan for the collector test from NORI before continuing its consideration of the amended statement intersessionally.

⁷ [ISBA/26/C/7](#).

⁸ See paragraph 14 of the decision of the Council relating to the reports of the Chair of the Legal and Technical Commission ([ISBA/26/C/57](#)).

⁹ [ISBA/26/LTC/10](#).

Annex**Draft decision of the Council of the International Seabed Authority
on the deferral of the schedule of relinquishment upon request by
the Federal Institute for Geosciences and Natural Resources**

The Council of the International Seabed Authority,

Recalling that, on 6 May 2015, the Federal Institute for Geosciences and Natural Resources entered into a 15-year contract for exploration for polymetallic sulphides with the Authority,

Recalling also regulation 27, paragraph 2, of the regulations on prospecting and exploration for polymetallic sulphides in the Area (“the Regulations”),¹ which refers to the schedule of relinquishments of the area allocated to contractors,

Noting that, according to such schedule the Federal Institute for Geosciences and Natural Resources is required to relinquish at least 50 per cent of the original contract area allocated to it by 6 May 2023, being the end of the eighth year from the date of the contract, and at least 75 per cent of the original contract area allocated to it by 6 May 2025, being the end of the tenth year from the date of the contract,

Noting also that the Federal Institute for Geosciences and Natural Resources requested to defer the schedule of relinquishment, owing to the impact of the coronavirus disease (COVID-19) pandemic on its operational activities,

Recalling that, pursuant to regulation 27, paragraph 6, of the Regulations, the Council may, at the request of the contractor, and on the recommendation of the Commission, in exceptional circumstances, defer the schedule of relinquishment and that such exceptional circumstances shall be determined by the Council and shall include, inter alia, consideration of prevailing economic circumstances or other unforeseen exceptional circumstances arising in connection with the operational activities of the contractor,

Considering that the Legal and Technical Commission has found that the reasons presented by the contractor qualify as “unforeseen exceptional circumstances arising in connection with the operational activities of the contractor”,² and has recommended to defer by one year the schedule of the first relinquishment to 6 May 2024 and the second relinquishment to 6 May 2026,

Acting upon the recommendation of the Commission,

1. *Determines* that the reasons presented by the Federal Institute for Geosciences and Natural Resources qualify as “unforeseen exceptional circumstances arising in connection with the operational activities of the contractor”;
2. *Defers* the schedule of the first and second relinquishments as recommended by the Commission;³
3. *Requests* the Secretary-General to communicate the present decision to the Federal Institute for Geosciences and Natural Resources.

¹ ISBA/16/A/12/Rev.1, annex.

² See ISBA/27/C/16.

³ Ibid.



Council

Distr.: General
15 July 2022

Original: English

Twenty-seventh session

Council session, part II
Kingston, 18–29 July 2022
Item 14 of the agenda

Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-seventh session

Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its twenty-seventh session¹

I. Introduction

1. Part II of the twenty-seventh session of the Legal and Technical Commission of the International Seabed Authority was held from 4 to 15 July 2022.
2. A total of 25 members participated in the meetings. Georgy Cherkashov, Siosuia Utoikamanu and Shengxiong Yang were excused from the in-person meetings owing to travel restrictions or family reasons. Georgy Cherkashov and Shengxiong Yang contributed to the consideration of the annual reports by email. Russell Howard and Ahmed Farouk did not participate.

II. Activities of the contractors

A. Status of contracts and information on periodic reviews

3. On 4 July, the Commission took note of the status of contracts and the information concerning the periodic reviews of the implementation of plans of work for exploration as contained in document [ISBA/27/C/28](#). It was noted that members of the Commission had, intersessionally, regularly provided feedback on periodic reviews to the secretariat.

¹ The present report should be read in conjunction with [ISBA/27/C/16](#).



B. Implementation of training programmes under contracts for exploration and allocation of training opportunities

4. On 5 July, the Commission was briefed on the selection of candidates for training programmes since March 2022. Thirty-one training placements had been successfully implemented for the benefit of candidates from developing States. Twenty were in progress, and ten were pending, while four placements had not been filled due to the unavailability of the selected candidates. Twenty selected placements continued to be affected by travel restrictions and other challenges related to the coronavirus disease (COVID-19) pandemic.

5. To accommodate the scheduling demands for the training programmes, the Commission, on the basis of the recommendations of the training subgroup, selected candidates intersessionally for the training programmes provided by the Interoceanmetal Joint Organization (IOM) and Nauru Ocean Resources Inc. (NORI). Owing to the low number of applications received, the training programme offered by Ocean Mineral Singapore Pte Ltd. (OMS) was re-advertised.

6. On 14 July, the Commission, on the basis of the recommendations of the training subgroup, selected the candidates for the remaining training programmes offered by Institut français de recherche pour l'exploitation de la mer (Ifremer) and Companhia de Pesquisa de Recursos Minerais S.A. (CPRM). Further detailed information is contained in document [ISBA/27/LTC/7](#).

C. Status of the relinquishment of areas under contracts for exploration

7. On 4 and 7 July, the Commission considered a request by Ifremer to defer the schedule for the relinquishment of part of the contract area allocated to it under its contract for exploration for polymetallic sulphides signed on 18 November 2014. According to the schedule for relinquishment under the contract, the contractor is required to relinquish at least 50 per cent of the original contract area allocated to it by 18 November 2022, being the end of the eighth year from the date of the contract, and at least 75 per cent of the original contract area allocated to it by 18 November 2024, being the end of the tenth year from the date of the contract. After taking into consideration the justifications provided by the contractor relating to the coronavirus disease (COVID-19) pandemic, the Commission found that the reasons presented by the contractor would qualify as “unforeseen exceptional circumstances arising in connection with the operational activities of the contractor” and recommended that the Council defer by one year the schedule of the first relinquishment to 18 November 2023 and the second relinquishment to 18 November 2025. A draft decision in that respect is attached as an annex to the present report.

8. The Commission also took note of the information on the relinquishment of one third of the area allocated to the China Ocean Mineral Resources Research and Development Association (COMRA) under the contract for exploration for cobalt-rich ferromanganese crusts and the relinquishment of 75 per cent of the area allocated to COMRA under the contract for exploration for polymetallic sulphides.

D. Consideration of the annual reports of contractors

9. On 4 July, the Commission started its consideration of 31 annual reports on activities carried out by contractors in 2021. The Commission welcomed the preliminary evaluations of those reports by the secretariat. In line with established practice, the Commission set up three working groups to review the annual reports covering the legal, financial and training aspects, geological and technological

aspects, and environmental aspects. In addition to specific comments on each report to be conveyed by the Secretary-General to the individual contractors, the Commission made the general comments outlined below.

Legal, financial and training aspects

10. The Commission acknowledged that the contractors had generally continued to comply with the relevant templates for reporting² and provided responses to the questions raised by the Commission in the previous year, which facilitated the work of the Commission in conducting its review of the annual reports. In some cases, the Commission recommended that the executive summary be more detailed. It was noted that contractors had largely met the deadline for the submission of the annual report. The Commission reminded the contractors that had missed the deadline to ensure the timely submission of annual reports in the future.

11. Regarding the programmes of activities, while a number of contractors had had to make reductions or adjustments to their activities as a result of the ongoing pandemic, other contractors had adhered to their programmes of activities or made efforts to step up activities that could not be carried out before. In that regard, the Commission commended those contractors for pursuing their programmes of work despite challenges posed by the pandemic. However, the pandemic continued to have a negative impact on the training opportunities available. The Commission took note of challenges for delivering training programmes and encouraged the contractors to work with the secretariat to ensure that the training is carried out in accordance with the programme of activities in the coming years.

12. While commending the collaborative approaches among some contractors for carrying out their programmes of work, the Commission has observed situations in which a minority of contractors appeared to rely on the work performed in other contract areas. The Commission reminded those contractors of their individual obligations for each contract and plan of work. The Commission also reminded such contractors that those arrangements might have an impact on the implementation of their future programme of work and their ability to fulfil the obligations in their contract area. In addition, such a situation risked having negative connotations for contractors that were fulfilling their individual obligations under their plans of work.

13. In relation to the expenditure, the Commission noted that, as in previous years, the expenditure levels of a number of contractors had been far lower than predicted. Some contractors provided reasons for the lower expenditure, including the continued effect of the pandemic. The Commission suggested that those contractors further report to the Secretary-General on how they would seek to recover potential delays that might result from unexpected events. Contractors who had not indicated the reasons for the lower expenditure were reminded that, where expenditure was lower than forecasted, the reasons should be provided, in particular when the full programme of activities planned for the year had not been carried out. Conversely, some contractors had incurred far greater expenditure than expected, indicating an intensification of the activities conducted.

14. While the contractors had generally presented complete expense information and provided timely certified financial statements, the Commission noted that some contractors had provided the expense information in a format that made it difficult to assess actual exploration-related costs, in addition to the late provision of certified financial statements. In a few cases, certified financial statements had not been yet provided. In that regard, the Commission reminded the contractors of the need to provide the expense information, together with the certified financial statements, on

² See [ISBA/21/LTC/15](#), annex IV.

time and in the recommended format for statements of actual and direct exploration expenditure as contained in document [ISBA/21/LTC/11](#) and the annex thereto.

Geological and technological aspects

15. While noting that most contractors had complied with the reporting templates, the Commission reminded the contractors who had not done so of the need to comply with all requirements included in document [ISBA/21/LTC/15](#), in particular those in section III (such as the ship track and bathymetry requirements). The delivery of digital data should be improved for most contractors in line with the DeepData database templates.³

16. While some contractors had postponed the exploration cruises planned in their programme of activities owing to the pandemic, about half of the contractors had been able to perform the planned exploration survey cruises. Others were rescheduling the planned activities to be able to achieve the goals of the exploration programme.

17. It was notable that some contractors had made significant progress on the testing of mining components.

18. Regarding polymetallic nodule exploration activities, there was a substantial difference in the degree to which contractors had made progress towards commercial production. Some contractors had succeeded in testing components at sea, while other contractors were still conducting the conceptual design of their mining systems.

Environmental aspects

19. A number of contractors had had to adjust their programme of activities for 2021 owing to the pandemic. Although most contractors had continued to carry out survey work or collating several years of information for the analysis of baseline environmental data, some had not conducted any environmental studies over the previous year.

20. The Commission noted that the programmes of activities of the contractors continued to vary widely in terms of the survey design quality, the sampling distribution, and replication in their environmental studies. There were ongoing concerns about whether enough sampling was being conducted or planned for baseline studies across the range of environmental aspects in order to assess natural spatial and temporal variability. The latter was a general concern, as the sampling by the contractors had generally tended to focus on examining spatial differences in biological and oceanographic patterns rather than seasonal or inter-annual changes. Studies of the pelagic ecosystem were improving, but this was still a weakness in the programmes of activities of most contractors.

21. In recent years, the Commission had regularly requested that the contractors perform gap analyses in order to inform their data requirements, and that they provide more detail in their programme of activities, with a view to enhancing the understanding of how they were developing their environmental baselines. There had been limited response to those requests.

22. Some contractors had continued to work with other contractors in undertaking joint cruises and using the same scientific techniques and expertise to analyse data. While such synergies between contractors could help with data analyses on a regional scale, for the purpose of annual reports, it was important to report specifically on work performed in their respective contract area and exclude accounts of sampling or activities in the areas under other contracts.

³ Available at www.isa.org.jm/minerals/reporting-templates.

III. Further consideration of an application for approval of a plan of work for exploration for polymetallic nodules submitted by Circular Metals Tuvalu Ltd.

23. On 21 December 2021, the Secretary-General received an application for approval of a plan of work for exploration for polymetallic nodules in the Clarion-Clipperton Zone in the Pacific Ocean submitted by Circular Metals Tuvalu Ltd., sponsored by the Government of Tuvalu, pursuant to the regulations on prospecting and exploration for polymetallic nodules in the Area.

24. During the first part of the twenty-seventh session in March 2022, the Commission started its consideration of an application for approval of a plan of work submitted by Circular Metals Tuvalu Ltd. with the delivery of a presentation by the applicant, which was followed by an oral question-and-answer session. A list of questions from the Commission was sent to the applicant on 18 March, but no responses were received.

25. In a note verbale dated 23 March 2022, the Ministry of Justice, Communications and Foreign Affairs of the Government of Tuvalu notified the Authority of its “decision to rescind Tuvalu’s sponsorship of the seabed mining exploration application submitted through the applicant on 21 December 2021”. In addition, it requested that “no work plan for exploration of polymetallic nodules in the Clarion-Clipperton Zone should be approved... as the Government of Tuvalu will no longer sponsor this work plan”.

26. On 7 April 2022, the members of the Commission were informed of the notification of the withdrawal of sponsorship by the Government of Tuvalu.

27. On 30 May 2022, in a letter to the Secretary-General dated 26 May, Circular Metals Tuvalu Ltd. requested a postponement of the consideration of its application, stating that “any further consideration of the application should be deferred until such time that Tuvalu can either suitably reaffirm its state sponsorship commitments or Circular Metals changes its nationality and sponsorship”.

28. As the sponsoring State had effectively communicated the termination of sponsorship, and bearing in mind article 4 of annex III to the United Nations Convention on the Law of the Sea, there was no application for the Commission to consider. The reserved areas contained in the original application remained available to the Enterprise or to any applicant in accordance with the provisions of annex III of the Convention and the Regulations.

29. The Commission requests that Secretary-General provide the Government of Tuvalu, as the former sponsoring State, with the information contained in paragraph 28 above.

IV. Regulatory activities of the Authority

A. Procedure and criteria for the consideration of a request for the transfer of rights and obligations under a contract for exploration

30. In March 2021, bearing in mind the need to ensure the timely and effective management of the exploration contracts, the Commission started to consider the matter of the procedure and criteria for the consideration of a request for the transfer of rights and obligations under a contract for exploration. The Commission had set up a working group to work on the issues raised by the members of the Commission. After hearing a report from the working group in June 2021, the Commission had

decided to continue its consideration of the matter intersessionally, with a view to submitting recommendations to the Council in 2022.

31. On 4, 5 and 6 July, the Commission continued its consideration of the matter, and in particular of the issues relating to the scope of effective control and subdivision of the contract area. On 7 July, the Commission considered a revised draft prepared by the working group and adopted the revised draft procedure and criteria for consideration of a request for the transfer of rights and obligations under a contract for exploration. The Commission recommended that the Council consider, with a view to adopting, the draft procedure and criteria for consideration of a request for the transfer of rights and obligations under a contract for exploration.⁴

B. Review of the recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration

32. During its virtual meetings in June 2021, the Commission identified the need to review the recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration.⁵ The Commission had requested that the training subgroup work on it with the secretariat intersessionally.

33. On 14 July, the Commission was updated on the progress of the work and requested that the training subgroup continue to work with the secretariat after the July meetings, with a view to adopting a set of revised recommendations by the end of 2022.

V. Development of regional environmental management plans

34. On 6 July, the Commission was briefed about the stakeholder consultation on the draft regional environmental management plan (REMP) for the Area of the northern Mid-Atlantic Ridge with a focus on polymetallic sulphide deposits, which was held from 19 April to 3 June 2022. Some 27 submissions were received from the member States, observers, other organizations and individuals, containing over 600 general and specific comments. All submissions were made available on the website of the Authority.

35. The comments were compiled and categorized by the secretariat and then reviewed and analysed by the working group of the Commission intersessionally and during the first week of the meeting.

36. Overall, it was acknowledged in a number of comments that the draft REMP reflected the mandate of the Authority relating to the protection of the marine environment and that the scientific inputs had been incorporated through the expert workshops (one workshop in Szczecin, Poland, in 2018; another in Évora, Portugal, in 2019; and a virtual workshop in 2020). It was also acknowledged that, in general, the structure of the draft REMP could be considered appropriate and fit for purpose and that the draft REMP included the key elements required, such as area-based and non-spatial management measures. In addition, it was recognized that the main areas in which further research and actions would be needed had been identified in the draft REMP.

⁴ To be issued as annex I to [ISBA/27/C/35](#).

⁵ See [ISBA/19/LTC/14](#).

37. The following is a non-exhaustive summary of overarching issues identified in the stakeholder comments and of the ways in which they have been addressed in the revised draft REMP:

(a) Greater clarity in the terminology and the definition of specific terms was recommended. Definitions of technical terms were included in the revised draft REMP;

(b) In their comments, several stakeholders suggested the incorporation of cultural heritage and traditional knowledge into relevant sections of the draft REMP. It was noted that objects and sites of an archaeological or historical nature were covered under exploration regulations. Such aspects had been incorporated into the revised draft REMP under the overarching goals;

(c) A number of comments related to the consideration of the activities of contractors in sites in need of protection inside the contract areas. It was noted that the REMP should not prescribe the delineation and zoning scheme for each site, which would need to be based on the potential impacts arising from exploitation activities and on local environmental characteristics and to be consistent with the goals and objectives of the REMP. Due consideration would be given to the activities of the contractors. The design of the zoning schemes should be proportionate to the risks posed by the exploitation activities;

(d) In their comments, several stakeholders sought further clarity regarding non-spatial management actions. The actions were revised in order to focus them on the impacts arising from activities that might have implications for wider, regional-scale ecological processes and ecosystem functions;

(e) Some stakeholders suggested including further details of knowledge gaps and of activities envisaged to address such gaps. In the revised draft REMP, research priorities and actions needed were summarized for each of the knowledge gaps identified, along with the relevant organs of the Authority responsible for the actions needed and an indicative timeline for their implementation.

38. On 13, 14 and 15 July, the Commission considered the revised draft REMP prepared by the working group and adopted it for consideration by the Council.⁶

39. During the two weeks of the meeting, the working group also continued to work on a draft guidance document to facilitate the development of regional environmental management plans, in response to the request of the Council as contained in document [ISBA/26/C/10](#). On 15 July, the Commission adopted and recommended to the Council the draft standardized procedure for the development, review and approval of REMPs,⁷ drawing on the proposed procedure as contained in document [ISBA/26/C/6](#), as well as the existing practice of the Authority in relation to the development, implementation and review of REMPs. The draft standardized procedure also included a draft general template for the development of REMPs, drawing on the proposed template as contained in document [ISBA/26/C/7](#), as well as the experience of the Commission in developing the REMP for the Area of the northern Mid-Atlantic Ridge.

⁶ To be issued as [ISBA/27/C/37](#).

⁷ To be issued as [ISBA/27/C/38](#).

VI. Review of the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area

40. In March 2022, the Commission considered the request of the Council to review the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area as contained in documents [ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#).⁸ The Commission set up a working group to work intersessionally on the stakeholder consultation process, as requested by the Council.

41. The working group met intersessionally and continued to meet from 4 to 8 July. On 8 July, the Commission considered and adopted a revised draft process for reviewing the environmental impact statement in relation to the testing of mining components or other activities requiring an environmental impact assessment during exploration and added the relevant explanatory commentaries with a view to providing guidance to the contractors with regard to the stakeholder consultation.⁹

VII. Other matters

Review of the environmental impact statement submitted by Nauru Ocean Resources Inc.

42. On 30 July 2021, the Secretary-General received an environmental impact statement from Nauru Ocean Resources Inc. (NORI) regarding its plans to carry out testing of a polymetallic nodule collector system components, in the NORI-D contract area of the eastern Clarion-Clipperton Zone, in the Central Pacific Ocean. Following a public consultation round by NORI, an updated environmental impact statement was submitted to the Secretary-General on 1 March 2022.

43. At its meetings in March 2022, the Commission conducted an initial review of the NORI environmental impact statement. The Commission requested a more substantive monitoring plan including details of the survey design, sampling programme and management procedures to assist its review of the completeness, accuracy and statistical reliability of the environmental impact statement. NORI submitted a separate Environmental Management and Monitoring Plan (EMMP) on 2 May.

44. At its July meetings, the Commission continued its review of the NORI environmental impact statement, in particular the EMMP. The Commission commended NORI for the impressive description of a large amount of work carried out to date in the NORI-D contract area based on many survey campaigns and a wide range of sampling operations across the disciplines and variables recommended by the Commission.¹⁰

⁸ See paragraph 14 of the decision of the Council relating to the reports of the Chair of the Legal and Technical Commission ([ISBA/26/C/57](#)).

⁹ See revised section E of document [ISBA/25/LTC/6/Rev.2](#), entitled “Process for reviewing the environmental impact statement in relation to the testing of mining components or other activities requiring an environmental impact assessment during exploration”, and new paragraphs 65 to 68 in annex I thereto, entitled “Explanatory commentary”. [ISBA/25/LTC/6/Rev.2](#) replaces documents [ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#), effective 8 July 2022.

¹⁰ See [ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#).

45. The Commission noted that, while the generic framework and spatial components of the monitoring programme described in the EMMP were good, the monitoring programme lacked sufficient detail with regard to the overall sampling design and integrated environmental monitoring specifications that the Commission needed in order to adequately evaluate the accuracy and statistical reliability of the environmental impact statement and the Monitoring Plan.

46. The Commission therefore decided that it was unable to recommend to the Secretary-General of the Authority that the environmental impact statement be included in the programme of activities of NORI.

47. The Commission made further specific comments on areas in which it felt the environmental impact statement (and especially the EMMP) needed to include more detail or in which certain elements needed further consideration by NORI. They included aspects of the survey design, the level of benthic sediment plume monitoring, the pelagic sampling of biological impacts of the plume discharge, temporal issues of survey timing and duration, and the extent of noise monitoring. The results of the review by the Commission were sent to NORI on 15 July,¹¹ from which date NORI has 30 days to respond.

Major achievements of this Commission over the past six years

48. In his closing remarks, on 15 July, the Secretary-General commended the hard work and tremendous achievement of the Commission during the twenty-seventh session and over the previous six years (from 2017 to 2022), in particular on the following aspects:

(a) Preparation and submission to the Council of the draft regulations on exploitation of mineral resources in the Area;¹²

(b) Preparation and submission to the Council of a total of 10 sets of draft standards and guidelines;¹³

(c) Adoption of the recommendations for the guidance of contractors on the relinquishment of areas under exploration contracts for polymetallic sulphides or cobalt-rich ferromanganese crusts;¹⁴ revisions of and corrigendum to the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area;¹⁵ and corrigendum to the annex to the recommendations for the guidance of contractors on the content, format and structure of annual reports;¹⁶

(d) Preparation and submission to the Council of the draft procedure and criteria for consideration of a request of transfer rights and obligations under an exploration contract, for consideration and adoption by the Council;¹⁷

(e) Completion of the review of the implementation of the Environmental Management Plan for the Clarion-Clipperton Zone and the establishment of four additional areas of particular environmental interest (APEIs);¹⁸

¹¹ See [ISBA/25/LTC/Rev.2](#).

¹² [ISBA/25/C/WP.1](#).

¹³ [ISBA/27/C/3-ISBA/27/C/12](#).

¹⁴ [ISBA/25/LTC/8](#).

¹⁵ [ISBA/25/LTC/6/Rev.1](#), [ISBA/25/LTC/6/Corr.1](#), and [ISBA/25/LTC/6/Rev.2](#).

¹⁶ [ISBA/21/LTC/15/Corr.1](#).

¹⁷ [ISBA/27/C/35](#).

¹⁸ [ISBA/26/C/43](#).

- (f) Preparation and submission to the Council of a draft Regional Environmental Management Plan (REMP) for the area of the northern Mid-Atlantic Ridge;¹⁹
- (g) Preparation and submission to the Council of a draft standardized approach for the development of REMPs;²⁰
- (h) Consideration of three applications for approval of plans of work for exploration and submission reports and recommendations to the Council;²¹
- (i) Consideration of nine applications for extension of plans of work for exploration and submission of reports and recommendations to the Council;²²
- (j) Provide guidance to the Secretariat on the implementation of the data management strategy of the Authority (DeepData);²³
- (k) Selection of candidates for 241 training placements which represents a fivefold increase compared to the years from 2012–2016.²⁴

¹⁹ To be issued as [ISBA/27/C/37](#).

²⁰ To be issued as [ISBA/27/C/38](#).

²¹ See [ISBA/23/C/11](#), [ISBA/25/C/30](#) and [ISBA/26/C/22](#).

²² See [ISBA/23/C/9](#), [ISBA/26/C/31-ISBA/26/C/37](#) and [ISBA/27/C/15](#).

²³ [ISBA/22/LTC/15](#).

²⁴ Of this figure, 44 per cent of the candidates were women. Of the placements, 40 per cent went to the Group of African States, 36 per cent to the Group of Asia-Pacific States and 23 per cent to the Latin American and Caribbean Group. An additional 161 alternate candidates were selected in the event that the first-rank candidates became unavailable.

Annex**Draft decision of the Council of the International Seabed Authority
on the deferral of the schedule of relinquishment upon request by
the Institut français de recherche pour l'exploitation de la mer**

The Council of the International Seabed Authority,

Recalling that, on 18 November 2014, the Institut français de recherche pour l'exploitation de la mer entered into a 15-year contract for exploration for polymetallic sulphides with the Authority,

Recalling also regulation 27, paragraph 2, of the regulations on prospecting and exploration for polymetallic sulphides in the Area (“the Regulations”),¹ which refers to the schedule of relinquishments of the area allocated to contractors,

Noting that, according to such schedule, the Institut français de recherche pour l'exploitation de la mer is required to relinquish at least 50 per cent of the original contract area allocated to it by 18 November 2022, being the end of the eighth year from the date of the contract, and at least 75 per cent of the original contract area allocated to it by 18 November 2024, being the end of the tenth year from the date of the contract,

Noting also that the Institut français de recherche pour l'exploitation de la mer requested to defer the schedule of relinquishment, owing to the impact of the coronavirus disease (COVID-19) pandemic on its operational activities,

Recalling that, pursuant to regulation 27, paragraph 6, of the Regulations, the Council may, at the request of the contractor, and on the recommendation of the Commission, in exceptional circumstances, defer the schedule of relinquishment and that such exceptional circumstances shall be determined by the Council and shall include, inter alia, consideration of prevailing economic circumstances or other unforeseen exceptional circumstances arising in connection with the operational activities of the contractor,

Considering that the Legal and Technical Commission has found that the reasons presented by the contractor qualify as “unforeseen exceptional circumstances arising in connection with the operational activities of the contractor”,² and has recommended to defer by one year the schedule of the first relinquishment to 18 November 2023 and the second relinquishment to 18 November 2025,

Acting upon the recommendation of the Commission,

1. *Determines* that the reasons presented by the Institut français de recherche pour l'exploitation de la mer qualify as “unforeseen exceptional circumstances arising in connection with the operational activities of the contractor”;

2. *Defers* the schedule of the first and second relinquishments as recommended by the Commission;³

3. *Requests* the Secretary-General to communicate the present decision to the Institut français de recherche pour l'exploitation de la mer.

¹ ISBA/16/A/12/Rev.1, annex.

² ISBA/27/C/16/Add.1.

³ Ibid.



Council

Distr.: General
26 October 2022

Original: English

Twenty-seventh session

Council session, part III

Kingston, 31 October–11 November 2022

Item 14 of the agenda

Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-seventh session

Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its twenty-seventh session

Addendum

Review of the environmental impact statement submitted by Nauru Ocean Resources Inc.

1. The present report is submitted to inform the Council of the action taken by the Legal and Technical Commission following the adjournment of its meetings in July 2022 in relation to the review of the environmental impact statement submitted by Nauru Ocean Resources Inc. (NORI) regarding its plans to carry out testing of components of a polymetallic nodule collector system in the NORI-D contract area of the eastern Clarion-Clipperton Zone, in the Central Pacific Ocean.

2. The Council will recall that, as reported by the Chair of the Commission in July 2022 ([ISBA/27/C/16/Add.1](#), paras. 42–47), the Commission had reviewed the environmental impact statement and made further specific comments on areas in which it felt that the statement (and especially the environmental management and monitoring plan) needed to include more detail or in which certain elements needed further consideration by NORI. The areas included aspects of the survey design, the level of benthic sediment plume monitoring, the pelagic sampling of biological impacts of the plume discharge, temporal issues of survey timing and duration, and the extent of noise monitoring. NORI was notified of the outcome of the review on 15 July and given 30 days to respond, as prescribed in the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area ([ISBA/25/LTC/6/Rev.2](#)). The Commission also decided that a working group of the Commission would be tasked with continuing the review and reporting back to the Commission.



3. On 1 August 2022, NORI submitted the additional information requested by the Commission. This was made available to all members of the Commission through the secure website of the Commission.
4. The working group of the Commission reviewed the information provided and met virtually on 8 August 2022. During that meeting, it was decided that greater efficiency in obtaining clarifications and responses could be gained by meeting with NORI. The working group met with NORI on 11 August 2022.
5. Following an in-depth review of the additional information provided by NORI, the working group was satisfied with the information provided and decided to recommend to the Commission that it: (a) take note of the further information provided by NORI on 1 August 2022; (b) acknowledge the review carried out by the working group; and (c) recommend to the Secretary-General that the environmental impact statement, with all additional information subsequently provided by NORI, be incorporated into the programme of activities under the contract.
6. At the request of the Chair of the Commission, the recommendations of the working group were placed under silence procedure from 30 August to 2 September 2022 for adoption by the Commission. In the absence of any objection, the recommendations were adopted by the Commission on 2 September 2022.
7. On 5 September 2022, the Secretary-General notified NORI of the recommendations adopted by the Commission and requested NORI to report on the result of the tests in the context of its next annual report.



Council

Distr.: General
18 March 2022

Original: English

Twenty-seventh session

Council session, part I

Kingston, 21 March–1 April 2022

Item 14 of the provisional agenda*

**Report of the Chair of the Legal and Technical Commission on
the work of the Commission at its twenty-seventh session**

Report on the relinquishment of one third of the area allocated to the Japan Oil, Gas and Metals National Corporation (JOGMEC) under the contract for exploration for cobalt-rich ferromanganese crusts between JOGMEC and the International Seabed Authority

Note by the Secretariat

1. The contract for exploration for cobalt-rich ferromanganese crusts between the Japan Oil, Gas and Metals National Corporation (JOGMEC) and the International Seabed Authority was signed on 27 January 2014. The area under the contract covers 3,000 km².
2. Pursuant to the schedule for fulfilling relinquishment obligations under regulation 27 (1) of the Regulations on Prospecting and Exploration for Cobalt-rich Ferromanganese Crusts in the Area (see [ISBA/18/A/11](#)), by the end of the eighth year from the date of the contract, the Contractor shall have relinquished at least one third of the original area allocated to it.
3. Accordingly, JOGMEC was required to relinquish at least one third of its allocated area by 26 January 2022. By letter dated 27 December 2021, JOGMEC submitted to the Secretary-General cartographic material that included shapefiles of relinquished and remaining cells and an overview map with the remaining exploration areas.
4. During the first part of the twenty-seventh session, held remotely from 14 to 18 March 2022, on the basis of the technical review carried out by the secretariat, the Legal and Technical Commission noted that the contractor had complied with its relinquishment obligations pursuant to the applicable regulations and the recommendations for the guidance of contractors on the relinquishment of areas under exploration contracts for polymetallic sulphides or cobalt-rich ferromanganese crusts ([ISBA/25/LTC/8](#)).

* [ISBA/27/C/L.1](#).



5. The total original area, the maps of which are available at <https://bit.ly/3ugsvxM>, consists of 150 blocks, with each block consisting of 20 cells and each cell measuring 1 km x 1 km. The number of blocks per cluster varies from 5 to 40. A total of 1,000 cells of an area of 1,000 km² were relinquished from 150 blocks within 8 clusters. After this relinquishment, the remaining area under exploration covers 2,000 km².
6. The relinquished area has reverted to the Area.
7. The Council is invited to take note of the present note.



Council

Distr.: General
30 March 2022

Original: English

Twenty-seventh session

Council session, part I

Kingston, 21 March–1 April 2022

Agenda item 9

Consideration, with a view to approval, of an application for extension of a contract for exploration

Decision of the Council of the International Seabed Authority relating to an application by the Government of India for extension of a contract for exploration for polymetallic nodules between the Government of India and the Authority

The Council of the International Seabed Authority,

Acting upon the recommendation of the Legal and Technical Commission,¹

Recalling that, on 25 March 2002, the Government of India entered into a 15-year contract for exploration for polymetallic nodules with the Authority,

Recalling also that the contract was extended for a period of five years to 24 March 2022,²

Noting that, on 20 October 2021, the Secretary-General of the International Seabed Authority received an application for a five-year extension of the contract,

Recalling section 1, paragraph 9, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982,³

Recalling also the decision of the Council of the International Seabed Authority relating to the procedures and criteria for the extension of an approved plan of work for exploration pursuant to section 1, paragraph 9, of the annex to the Agreement,⁴

Considering the report and recommendations of the Legal and Technical Commission relating to the application by the Government of India for extension of the contract,⁵

¹ [ISBA/27/C/15](#).

² See [ISBA/23/C/15](#).

³ United Nations, *Treaty Series*, vol. 1836, No. 31364.

⁴ [ISBA/21/C/19](#).

⁵ [ISBA/27/C/15](#).



1. *Decides* to approve the application for extension of the contract;
2. *Requests* the Secretary-General to take the steps necessary to execute the extension of the contract, with effect from 25 March 2022, by signature of an agreement in the form set out in appendix II to the annex to the decision of the Council of the International Seabed Authority mentioned above;⁶
3. *Also requests* the Secretary-General to report to the Council at its next session on the status of the extension agreement.

*277th meeting
30 March 2022*

⁶ [ISBA/21/C/19](#).



Council

Distr.: General
30 March 2022

Original: English

Twenty-seventh session

Council session, part I

Kingston, 21 March–1 April 2022

Agenda item 14

Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-seventh session

Decision of the Council of the International Seabed Authority on the deferral of the schedule of relinquishment upon request by the Federal Institute for Geosciences and Natural Resources

The Council of the International Seabed Authority,

Recalling that, on 6 May 2015, the Federal Institute for Geosciences and Natural Resources entered into a 15-year contract for exploration for polymetallic sulphides with the Authority,

Recalling also regulation 27, paragraph 2, of the regulations on prospecting and exploration for polymetallic sulphides in the Area (“the Regulations”),¹ which refers to the schedule of relinquishments of the area allocated to contractors,

Noting that, according to such schedule the Federal Institute for Geosciences and Natural Resources is required to relinquish at least 50 per cent of the original contract area allocated to it by 6 May 2023, being the end of the eighth year from the date of the contract, and at least 75 per cent of the original contract area allocated to it by 6 May 2025, being the end of the tenth year from the date of the contract,

Noting also that the Federal Institute for Geosciences and Natural Resources requested to defer the schedule of relinquishment, owing to the impact of the coronavirus disease (COVID-19) pandemic on its operational activities,

Recalling that, pursuant to regulation 27, paragraph 6, of the Regulations, the Council may, at the request of the contractor, and on the recommendation of the Commission, in exceptional circumstances, defer the schedule of relinquishment and that such exceptional circumstances shall be determined by the Council and shall include, inter alia, consideration of prevailing economic circumstances or other unforeseen exceptional circumstances arising in connection with the operational activities of the contractor,

¹ ISBA/16/A/12/Rev.1, annex.



Considering that the Legal and Technical Commission has found that the reasons presented by the contractor qualify as “unforeseen exceptional circumstances arising in connection with the operational activities of the contractor”,² and has recommended to defer by one year the schedule of the first relinquishment to 6 May 2024 and the second relinquishment to 6 May 2026,

Acting upon the recommendation of the Commission,

1. *Determines* that the reasons presented by the Federal Institute for Geosciences and Natural Resources qualify as “unforeseen exceptional circumstances arising in connection with the operational activities of the contractor”;

2. *Defers* the schedule of the first and second relinquishments as recommended by the Commission;³

3. *Requests* the Secretary-General to communicate the present decision to the Federal Institute for Geosciences and Natural Resources.

*277th meeting
30 March 2022*

² See [ISBA/27/C/16](#).

³ *Ibid.*



Council

Distr.: General
1 April 2022

Original: English

Twenty-seventh session

Council session, part I

Kingston, 21 March–1 April 2022

Agenda item 6

Election of members of the Legal and Technical Commission

Decision of the Council of the International Seabed Authority relating to the election in 2022 of members of the Legal and Technical Commission

The Council of the International Seabed Authority,

Considering the matter of the election of members of the Legal and Technical Commission for the period 2023–2027,

Recalling its decisions [ISBA/26/C/9](#) of 20 February 2020 and [ISBA/26/C/30](#) of 31 March 2021,

Recognizing the efforts of the Facilitator of the informal working group,

1. *Decides* to establish an informal contact group convened by the President of the Council composed of representatives from each regional group, as agreed by consensus within the respective regional group, to develop a mechanism for the election of the members of the Legal and Technical Commission to be adopted by the Council at the second part of the twenty-seventh session of the International Seabed Authority, in July 2022;

2. *Also decides*, on an exceptional basis and without setting a precedent, to reopen the period for the nomination of candidates for the 2022 election for a period of 10 days following the adoption of the mechanism by the Council. The mechanism may be adopted under a silence procedure of five working days or at the second part of the twenty-seventh session of the International Seabed Authority, in July 2022;

3. *Further decides* that the date of the election may be revised by a decision of the Council, if necessary, following the outcome of the work of the informal contact group.

*280th meeting
1 April 2022*





Council

Distr.: General
12 April 2022

Original: English

Twenty-seventh session

Council session, part I

Kingston, 21 March–1 April 2022

Statement by the President of the Council on the work of the Council during the first part of the twenty-seventh session

I. Opening of the session

1. At its 275th meeting, on 21 March 2022, the Acting President, Alison Stone Roofe (Jamaica), opened the first part of the twenty-seventh session of the Council. The Council met from 21 March to 1 April 2022 in hybrid format.

2. The Council observed a moment of silence to pay tribute to the late Nii Allotey Odunton, former Secretary-General of the International Seabed Authority for two consecutive terms (2008–2016), and presented condolences to his family. The Secretary-General honoured his memory and life dedicated to the service of the Authority. Reference was also made to his commitment to improving the knowledge of the Area and its resources. His legacy continued in the museum named after him and launched in his presence in July 2019 on the margins of the twenty-fifth anniversary of the Authority.

II. Adoption of the agenda

3. At its 275th meeting, the Council adopted the agenda for its twenty-seventh session ([ISBA/27/C/1](#)).

III. Election of the President and Vice-Presidents of the Council

4. At the same meeting, the Council elected by acclamation Tomasz Abramowski (Poland) as President of the Council for the twenty-seventh session. The Council also elected Sierra Leone (African States), Jamaica (Latin American and Caribbean States) and Canada (Western European and other States) as Vice-Presidents. At its 276th meeting, on the same date, the Council elected the Republic of Korea (Asia-Pacific States) as Vice-President.



IV. Report of the Secretary-General on the credentials of members of the Council

5. At the 277th meeting, on 30 March, the Secretary-General indicated that, as at that date, credentials had been received from 36 members of the Council. It was noted that, in accordance with the system agreed upon for the allocation of seats among regional groups at the first session of the Council, the Latin American and Caribbean States had designated Jamaica to participate in the meetings of the Council without the right to vote during the twenty-seventh session. It would be the turn of the Western European and other States to relinquish a seat on the Council in 2023.

V. Issues relating to the election of members of the Legal and Technical Commission

6. At the 275th meeting, the President proposed to undertake consultations on the way forward with the newly elected Bureau.

7. At the 277th meeting, the Facilitator, Vladislav Kurbatskiy (Russian Federation), reported on consultations that he had held since the previous meeting of the Council, in December 2021. At the same meeting, the President proposed to lead informal consultations with members of the Authority on a possible way forward. Informal consultations were held on 30 and 31 March and on 1 April. At the 280th meeting, on 1 April, the Council decided to establish an informal contact group convened by the President to develop a mechanism for the election of the members of the Legal and Technical Commission to be adopted by the Council in July 2022. The decision of the Council is contained in document [ISBA/27/C/20](#).

VI. Draft regulations on the exploitation of mineral resources in the Area

8. Owing to the coronavirus disease (COVID-19) pandemic, no negotiation had been possible since February 2020. Meanwhile, however, the Legal and Technical Commission has been able to advance work in respect of the draft regulations package, including draft annex VI and on phase 1 draft standards and guidelines.

9. In March 2022, the Council continued its consideration of the draft regulations on the exploitation of mineral resources in the Area, as a matter of priority and in line with the road map endorsed by the Council at its meeting in December 2021 ([ISBA/26/C/13/Add.1](#), annex). Reference was also made to the document prepared by the delegation of Belgium ([ISBA/27/C/13](#), annex).

A. Consideration of draft regulation 30 of and draft annex VI to the draft regulations on the exploitation of mineral resources in the Area

10. At the 275th meeting, the Chair of the Legal and Technical Commission presented to the Council recommendations on draft regulation 30 of and draft annex VI to the draft regulations ([ISBA/26/C/17](#)).

11. Comments were made that, in respect of the safety management system, more details were needed in the draft regulations, such as auditing requirements, and issues of compliance by contractors needed to be addressed within the Informal Working Group on Inspection, Compliance and Enforcement. Provisions on gender equality

and safety for women in the work environment should be included in the health and safety plan. The fact that the regulations relied on existing international standards was welcome.

12. The Council noted that the approach reflected in the current draft regulation 30, namely referring to the applicable international rules and standards established by competent international organizations or general diplomatic conferences, was sufficient for the foreseeable future. The Council drew the attention of the Assembly to the need to encourage member States that had not yet done so, in particular sponsoring States, to become parties to the applicable international rules and standards established by competent international organizations, in particular the Maritime Labour Convention, 2006. The Council encouraged the secretariat to enter discussions with the International Labour Organization (ILO) with a view to concluding a cooperation agreement between the Authority and ILO to keep under review emerging issues concerning occupational health and safety for personnel involved in exploitation in the Area. The Council agreed to consider draft annex VI, containing the health and safety plan and the maritime security plan (see [ISBA/26/C/17](#), annex), as part of the draft regulations ([ISBA/25/C/WP.1](#)).

B. Progress made in working groups

13. Reference was made to a “working Council”, as a large portion of the first part of the session was devoted to advance work on the draft regulations in an informal setting, in line with the road map endorsed by the Council in December 2021.

1. Fourth meeting of the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract under article 13, paragraph 1, of annex III to the United Nations Convention on the Law of the Sea and section 8 of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982

14. On 21 and 22 March 2022, the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract held its 4th meeting, under the chairmanship of Olav Myklebust (Norway), to further advance the work on the payment system for polymetallic nodules as a priority and make appropriate recommendations to the Council in its ongoing negotiation of the draft regulations and appendix IV thereto.

15. At the 278th meeting, on 31 March, the Chair gave an oral report to the Council (see the annex to the present document).

2. Informal Working Group on the Protection and Preservation of the Marine Environment

16. The Informal Working Group on the Protection and Preservation of the Marine Environment met for the first time since its establishment and held five meetings, on 23, 24, 25 and 28 March.

17. At the 278th meeting, the Facilitator, Raijeli L. Taga (Fiji) delivered her oral report to the Council and set a deadline for receiving textual proposals with a view to producing a revised facilitator’s text for the meetings to be held in July (see annex).

3. Informal Working Group on Inspection, Compliance and Enforcement

18. At the 1st and 2nd meetings of the Informal Working Group on Inspection, Compliance and Enforcement, on 28 and 29 March, the Facilitator, Maureen Tamuno (Nigeria), outlined the scope and modalities of the work and proposed a way forward.

19. At the 278th meeting, the Facilitator delivered her oral report to the Council and set a deadline for receiving textual proposals with a view to producing a facilitator's text for the July meetings (see annex).

4. Informal Working Group on Institutional Matters

20. The Informal Working Group on Institutional Matters held its 1st and 2nd meetings on 29 and 30 March, respectively. The Co-Facilitators, Gina Guillén-Grillo (Costa Rica) and Constanza Figueroa (Chile), described the scope of the work and the way forward.

21. At the 278th meeting, the Co-Facilitators delivered their oral report to the Council and set a deadline for receiving textual proposals with a view to producing a facilitator's text for the July meetings (see annex).

C. Process for the negotiation of the draft regulations on the exploitation of mineral resources in the Area and the phase 1 draft standards and guidelines

22. At the 275th and 276th meetings, the Council had a preliminary exchange of views on the process for the negotiation of the draft regulations and phase 1 draft standards and guidelines following the presentation by the Chair of the Legal and Technical Commission of the report summarizing stakeholder feedback on the draft standards and guidelines ([ISBA/27/C/2](#)). Some delegations expressed the view that the discussion of the draft regulations should be conducted in parallel with that of the draft phase 1 standards and guidelines, with cross-referencing. Some delegations expressed the preference for the draft phase 1 standards and guidelines to be considered after the draft regulations were "stable".

23. In addition, it was recalled that, in 2019, the Council had requested the Commission to work on the draft standards and guidelines as a matter of priority. The Council commended the Commission for having delivered to it for consideration phase 1 draft standards and guidelines in the six official languages of the Authority over the previous 18 months in accordance with the process for the development of standards and guidelines set out in enclosure II of document [ISBA/25/C/19/Add.1](#).

D. Work of the Council concerning the draft regulations on the exploitation of mineral resources in the Area and the consideration of phase 1 draft standards and guidelines

24. At the 278th meeting, with a view to facilitating discussion, the President prepared a briefing paper on the work of the Council in plenary concerning the draft regulations and the consideration of phase 1 draft standards and guidelines.

25. Considering the heavy workload of the working groups, the Council endorsed the President's proposal that it consider in July, in plenary and in an informal setting, the preamble, part III, part X, annex I, annex II, annex III, annex V, annex VI, annex IX, annex X, appendix I and the schedule. Should any of the working groups finish its current task before the end of the twenty-seventh session, the Council could

revisit the allocation of some annexes to that working group, if they had not already been considered in plenary.

26. In July, as proposed by the President, the Council would undertake a first reading of part X in regulation-by-regulation discussions in plenary before continuing with the preamble and part III. On the basis of discussions and proposals, the President would prepare a revised text for consideration during the third part of the twenty-seventh session. During that part, the Council also agreed to focus the discussion on the schedule, appendix I and any outstanding annexes not already allocated to working groups.

27. With regard to the consideration of phase 1 draft standards and guidelines, the Council noted that the draft regulations were still under consideration and that draft standards and guidelines might need further revisions once the text of the draft regulations was stable. The Council also recalled that such a view was without prejudice to its intention to make every effort to ensure the thorough and timely development of the regulations, bearing in mind that necessary standards and guidelines should be developed in parallel and be consistent with the finalization of the regulations as a package ([ISBA/26/C/57](#), para. 5).

28. The Council agreed with the President's proposal to continue to negotiate the text of the draft regulations and take stock by the end of the July meetings of the progress achieved in that regard. On that basis, the Council would consider options for the discussion of the phase 1 draft standards and guidelines during 2022.

E. Intersessional work and review of progress

29. The Council agreed to review the progress made in the various streams of work at the end of the July meetings to prepare for the third part of the session later in 2022. In respect of the intersessional work, the Council noted that the Facilitator of the Informal Working Group on the Protection and Preservation of the Marine Environment would host a webinar on the issue of the environmental compensation fund and sustainability around mid-June. Recalling that the meetings of the informal working groups must be held during the meetings of the session, the Council was also of the view that in-person meetings at such a critical juncture were more conducive to progress.

30. At the 278th meeting, the Council endorsed the following schedule of meetings in July: the Council would meet in plenary for three days, the Open-ended Working Group for two days, the Informal Working Group on the Protection and Preservation of the Marine Environment for two and a half days, the Informal Working Group on Inspection, Compliance and Enforcement for one day and the Informal Working Group for Institutional Matters for one day and a half.

VII. Application for the extension of a contract for exploration for polymetallic nodules in accordance with the procedures and criteria for the extension of an approved plan of work for exploration

31. At its 277th meeting, the Council considered the report and recommendations of the Legal and Technical Commission relating to the application by the Government of India for a five-year extension of the contract for exploration for polymetallic nodules ([ISBA/27/C/15](#)).

32. At the same meeting, the Council, acting on the recommendations of the Commission, approved the application (see [ISBA/27/C/18](#)).

VIII. Report of the Chair of the Legal and Technical Commission on the work of the Commission

33. At its 277th meeting, the Council was presented with the report of the Chair of the Legal and Technical Commission on the work of the Commission at the first part of the twenty-seventh session ([ISBA/27/C/16](#)).

34. The Council commended the Commission for its hard work.

35. Many delegations welcomed the progress made in the development of the regional environmental management plan for the area of the northern Mid-Atlantic Ridge, in particular the opportunity for stakeholder consultation as planned by the Commission, and they highlighted the need for allowing sufficient time for such consultation. Delegations also welcomed the progress made by the Commission in considering a standardized approach for the development of regional environmental management plans.

36. Delegations noted that the Commission would begin to consider the review of the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area ([ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#)) in the intersessional period. Noting the discussions on the criteria and process for an environmental impact assessment under the draft exploitation regulations, it was suggested that criteria and process be also developed for such assessments during the exploration phase. Some delegations also highlighted the need for developing criteria for the establishment of impact reference zones and preservation reference zones, which were relevant to both exploration and exploitation.

37. The Council considered the request by the Federal Institute for Geosciences and Natural Resources to defer by one year the schedule of relinquishments of parts of the contract area allocated to it under its contract for exploration for polymetallic sulphides. Following the recommendation of the Commission, the Council approved the request based on unforeseen exceptional circumstances arising in connection with the operational activities of the contractor, as provided for in regulation 27, paragraph 6, of the regulations on prospecting and exploration for polymetallic sulphides in the Area ([ISBA/16/A/12/Rev.1](#)). The decision of the Council is contained in document [ISBA/27/C/19](#).

38. The Council noted the relinquishment of one third of the area allocated to the Japan Oil, Gas and Metals National Corporation under its contract for exploration for cobalt-rich ferromanganese crusts (see [ISBA/27/C/17](#)).

IX. Report on matters relating to the Enterprise

39. At its 279th meeting, on 1 April, the Council considered a report from the Special Representative of the Secretary-General of the International Seabed Authority for the Enterprise ([ISBA/27/C/14](#)), which contained a brief description of managerial policy options for the administration of the Enterprise and of the administrative functions of the interim director general during the period from July 2022 to December 2023.

40. The Council took note of the report. While recognizing the importance of following a timely step-by-step approach for the operationalization of the Enterprise, some delegations requested more time to review the questions raised in the report with regard to the appointment of an interim director general in accordance with the relevant provisions of the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.

Annex

Oral reports by the Chair of the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract and by the Facilitators of the informal working groups

I. Oral report delivered by the Chair of the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract, Olav Myklebust (Norway)

1. I have the honour to report the outcome of the fourth meeting of the Open-ended Working Group of the Council in Respect of the Development and Negotiation of the Financial Terms of a Contract under article 13, paragraph 1, of annex III to the United Nations Convention on the Law of the Sea and section 8 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.
2. The Open-ended Working Group met on 21 and 22 March 2022, in line with the road map endorsed by the Council in December 2021.
3. On 22 March, Richard Roth (Massachusetts Institute of Technology) presented a summary of benefits and disadvantages of all four options for a payment system.
4. The Open-ended Working Group continued discussions on the system of payments with a focus on the options for a payment system, as presented in the briefing note prepared by the Chair, and on the basis of the studies carried out at the request of the Council at its meeting in February 2020.
5. Some delegations expressed views in favour of option 4, while others expressed views in favour of keeping all four options open for further consideration and negotiations and agreeing on a consensus option in the future.
6. The Open-ended Working Group suggested that a study be carried out on environmental costs, including on how to internalize costs associated with externalities, such as the valuation of ecosystem services and natural capital, as well as incentives for good performance, and the impact of such costs on the payment system.
7. The Open-ended Working Group agreed that the Chair should prepare a briefing note in advance of the July meeting and that the note should include a draft text for a payment system.
8. The Open-ended Working Group agreed to continue its discussions on the understanding that nothing was agreed until everything was agreed.

II. Oral report delivered by the Facilitator of the Informal Working Group on the Protection and Preservation of the Marine Environment, Raijeli Taga (Fiji)

9. The Informal Working Group on the Protection and Preservation of the Marine Environment held seven meetings, on 23, 24, 25 and 28 March.
10. We have already received over 100 textual proposals. This reflects the intensity of the work and the active involvement of all delegations, for which I am more than grateful. This figure also indicates that any attempt at drafting a summary is challenging.

11. At the first meeting, on 23 March, I presented the summary of general comments and initial reactions on the Facilitator's text (ISBA/27/C/IWG/ENV/CRP.1), in line with the road map.
12. The Facilitator's text was viewed as a solid basis for future negotiations.
13. The Informal Working Group managed to conduct a full reading of parts IV and VI of and annexes IV, VII and VIII to the draft regulations. Some areas, which I highlighted in the Facilitator's text as requiring further clarification, have been clarified by proponents. I have also taken note of when delegations expressed preference for the reinsertion of proposals that they had made and that were not reflected in the Facilitator's text. I will reflect on this in the revised version of the Facilitator's text.

General comments on the revised Facilitator's text

14. Now I wish to report some general comments before attempting to highlight some specific comments that were made and upon which I need to reflect further for the next iteration of the Facilitator's text.
15. Comments were made regarding regional environmental management plans, environmental impact assessments and environmental monitoring, while noting that further work would be needed to revisit the structure and language of the provisions, as well as the placement of the new regulations in the overall text of the draft regulations. I also take note that suggestions and textual proposals were made by delegations concerning further details with regard to specific environmental requirements, additional elements of environmental impact assessments and environmental monitoring, consultation with coastal States in environmental impact assessments and reference to "traditional and local knowledge", among other aspects.
16. There was a discussion on test mining. Delegations discussed the timing of and other practical issues related to test mining and its environmental impact assessment requirements. Therefore, I invite the proponent of the proposed texts to provide further clarification for the meeting in July.
17. With regard to the environmental compensation fund, delegations recognized the importance of that section and suggested further details to be added, such as rules and procedures for the fund. It was suggested that further discussion was needed on the purpose of the fund and its funding, as well as its relationships with the sustainability fund. Delegations noted that a technical study had been published under the title *Study on an Environmental Compensation Fund for Activities in the Area*, and I proposed to host a webinar on that topic around mid-June, after delegations have had time to go through the relevant technical study.
18. Some cross-cutting issues identified during the discussions included consistency and coherence among the different elements of the legal framework, in particular between the draft regulations and the draft standards and guidelines. Some specific terms used in the draft regulations will need to be re-examined to ensure that their use is consistent with the Convention.
19. There were instances where different views were expressed as to the insertion of text in the Facilitator's text, and I will revert to this in the revised Facilitator's text.
20. Specific comments were made in relation to the annexes, in particular annex IV, on the environmental impact statement. I will further reflect on all the textual proposals.

Schedule

21. In the context of the Informal Working Group's discussions, I mentioned that the Council had not had the opportunity to consider in plenary whether the schedule on the use of terms and scope in the draft regulations would be discussed in plenary or by an informal working group. In view of this, I indicated that the inclusion of the references to proposals relating to terms in the schedule in the Facilitator's text should be considered as preliminary, pending the decision of the Council in plenary on how it would approach the schedule.

Phase 1 draft standards and guidelines

22. The Informal Working Group had a preliminary exchange of views on the draft standard and guidelines for the environmental impact assessment process (ISBA/27/C/4). The Group benefited from the participation of the Chair of the Legal and Technical Commission, Harald Brekke, and of Malcolm Clark, also member of the Commission, who both provided a useful overview and clarification concerning that document. I also note that some textual proposals have been submitted in relation to other draft standards and guidelines, using the template provided on the website of the Authority.

Way forward

23. In the light of specific textual proposals made during this meeting, I intend to prepare a revised Facilitator's text in the intersessional period for consideration by the Informal Working Group in July. I intend to circulate it by the end of June.

24. In this connection, and to enable me to prepare the revised Facilitator's text, and in view of the requests by some delegations to submit textual suggestions after this session, I suggest that delegations that wish to do so send their comments to the secretariat no later than 15 April, using the template provided on the website of the Authority.

25. For the preparation of the revised Facilitator's text for July, I intend to follow the same approach that I followed for the preparation of the Facilitator's text, as described in the introduction to the current version of the Facilitator's text.

26. Regarding further discussions on the draft standard and guidelines for the environmental impact assessment process (ISBA/27/C/4), draft guidelines for the preparation of environmental impact statements (ISBA/27/C/5), draft guidelines for the preparation of environmental management and monitoring plans (ISBA/27/C/6 and ISBA/27/C/6/Corr.1) and draft guidelines for the establishment of baseline environmental data (ISBA/27/C/11), I stand to be guided by the plenary meeting on an approach to continue the discussions of those documents in the forthcoming meetings of the Council in 2022.

III. Oral report delivered by the Facilitator of the Informal Working Group on Inspection, Compliance and Enforcement, Maureen Tamuno (Nigeria)

27. The Council may recall that, during the second part of the twenty-sixth session, it agreed on a road map for work on the draft regulations in 2022, which included how the Informal Working Group on Inspection, Compliance and Enforcement would undertake its work. In the statement by the President of the Council on the work of the Council (ISBA/26/C/13/Add.1), it is stipulated that the Group would devote one day to an introduction to its work, outlining the scope of work and the discussion of modalities.

28. In this respect, I provided a briefing note dated 16 March 2022, which is available on the website of the Authority. In line with the programme of work, the Informal Working Group convened on 28 and 29 March 2022. During the meetings, the Group considered the scope of work and modalities as outlined in the Facilitator's briefing paper and agreed with the approach suggested by the Facilitator in that regard.

29. On 28 March, the Informal Working Group commenced its first reading of part XI of the draft regulations in relation to draft regulations 96 to 99 and, on 29 March, it discussed draft regulations 99 to 105.

30. Delegates provided comments on a wide range of cross-cutting issues, such as the creation of the institutional framework through which effective inspection, compliance and enforcement could be undertaken. Several delegations shared the view that it would be important for the Authority to create an inspectorate for effective monitoring of compliance within set and well-established legal standards, as well as the implementation of penalties in the event of non-compliance.

31. The Informal Working Group also explored the importance of streamlining the role of sponsoring States, flag States and coastal States. The importance of adopting remote monitoring means to ensure real-time monitoring was discussed. The idea of the possibility of constituting a Council's compliance committee to carry out oversight functions was presented. Delegations also stressed the need to ensure that the inspection mechanism was transparent, fair and independent, to safeguard against conflicts of interest, and was established on the basis of an evolutionary approach. This would also involve the need to set clear criteria for triggering an inspection. The importance of a reporting line that streamlined a confidential reporting process for breaches was also mentioned.

32. The subject of electronic and remote monitoring methods was also discussed extensively during the Informal Working Group meetings. Delegates shared the view that the inspectorate would benefit from the development of real-time monitoring apparatus not just for mining but also for the monitoring of environmental data, to allow for adaptive management.

33. Delegations further expressed the need to ensure that the provisions under part XI of the draft regulations were consistent with the Convention and the 1994 Agreement, as well as the advisory opinion delivered by the Seabed Disputes Chamber on the responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area, especially as it related to dispute resolution measures.

34. Delegations also identified the need for the role of the Secretary-General to be further discussed, in view of the decision-making role on inspection matters, which should rest with the Council. In this regard, it is pertinent to determine whether the inspectorate will report to the Secretary-General or to the Council directly. There is also scope for including the Legal and Technical Commission in the reporting channels, bearing in mind that the reports received may be of a technical nature.

35. In order to progress discussions on that part, I, as Facilitator, will collate the written textual proposals from delegations, with a view to producing a Facilitator's text for the July meetings. This text will contain suggestions and changes in a marked version and boxes providing rationale in the review. Delegates have been requested to provide their comments no later than 22 April 2022, to allow sufficient time for me to prepare the Facilitator's text at least two weeks in advance of the July meetings of the Council.

IV. Oral report delivered by the Co-Facilitators of the Informal Working Group on Institutional Matters, Constanza Figueroa (Chile) and Gina Guillén-Grillo (Costa Rica)

36. In accordance with the Council's programme of work, the Informal Working Group on Institutional Matters met on the afternoons of 29 and 30 March.

37. On 29 March, the Co-Facilitators made a presentation in which the mandate assigned to the Informal Working Group was introduced and the general meaning of the term "institutional matters" was shared, together with some questions that could enrich the discussion in each section of the regulations when assigning a certain role or responsibility to the various International Seabed Authority bodies. A brief presentation was made as to what some of the articles of the Convention, the 1994 Agreement and the Authority's regulations indicated regarding the responsibilities and functions of the organs of the Authority. At the request of the Group, the presentation was uploaded to the Authority's website.

38. In relation to the scope of work, it was proposed that the Informal Working Group consider the following sections of the draft regulations: part I, part II, part V, part VIII, part IX, part XII, part XIII, appendix II and appendix III. This scope received unanimous support in the Group. Because the Informal Working Group had to facilitate discussions on a larger number of regulations and broader range of topics, several delegations requested that more time be assigned to it in future meetings.

39. During the discussion, many participants highlighted the relevance of the Informal Working Group, in particular in achieving a clear division of the respective roles and responsibilities of the various bodies of the Authority, emphasizing that, in the regulations, such functions should not go beyond their respective competence. Participants requested a "flow chart" of the roles and responsibilities under the Convention, the 1994 Agreement and the draft regulations. The Co-Facilitators agreed on the usefulness of such mapping, and the Secretariat had indicated to the Council that it would prepare a background paper on the roles and responsibilities of the Authority and the sponsoring States for July, which would also contribute to the discussion of and preparation for the "mapping of functions".

40. Delegations stressed the need for the Informal Working Group to discuss the operationalization of the Enterprise and the Economic Planning Commission as an important part of the institutional arrangements.

41. After the conclusion of the general discussion that followed the Co-Facilitators presentation, the first reading of part I was conducted regulation by regulation.

42. Some delegations took the floor to present and explain their proposals that were already included in the International Seabed Authority compilations, while other delegations orally completed or amended their previous proposals, and others made new contributions orally. They were requested to forward all comments by means of the template prepared by the Secretariat for that purpose by the deadline of 29 April 2022.

43. During the reading of part I, a preliminary discussion was held regarding the "use of terms and scope". Several delegations referred to the standards and guidelines and the consistency that should be applied in relation to the draft regulations. The need for consistency with the Convention was also highlighted.

44. Regarding "fundamental policies and principles", some delegations pointed out that principles should not be placed on the same level as policies, as shown by the reference to both terms in the regulation title. Opinions were also shared regarding whether it would be advisable to refer to the Sustainable Development Goals, since

the regulations must be based on a long-term vision. Many delegations referred to the importance of the regional environmental management plans to ensure the implementation of article 145 of the Convention. There were also many extensive comments on the precautionary principle/approach.

45. With respect to the “duty to cooperate and exchange of information”, delegations emphasized the importance of cooperation and the exchange of information needed for implementing the regulatory framework. Most delegations referred to the importance of removing the term “best endeavours”.

46. In relation to the “protection measures in respect of coastal States”, several delegations said that the use of “serious damage” would set up a very high threshold.

47. In view of the fact that the discussion of part I was achieved in less time than expected, the Informal Working Group initiated the first reading of part II (Applications for approval of Plans of Work in the form of contracts). Draft regulation 5 was the only text that was discussed from that part. Several delegations stressed the importance of discussing the issue of effective control within the framework of the Working Group. When asked by the Co-Facilitators whether the entire group considered it appropriate, there was consensus, and the Co-Facilitators indicated that it would be included in the Group’s programme of work.

48. There was a rich exchange of ideas and active participation by those present in person and virtually.

49. The Co-Facilitators will prepare for July:

- (a) An updated compilation of comments on parts I, II, V, VIII, IX, XII and XIII and appendices II and III, in Excel;
- (b) A proposed text for regulations 1 to 5;
- (c) A draft mapping of the functions of the various bodies and stakeholders.

50. In order to avoid duplication to address the cross-cutting issues, the work will be coordinated with the Facilitators of the other working groups.



Council

Distr.: General
1 August 2022

Original: English

Twenty-seventh session
Council session, part II
Kingston, 18–29 July 2022

Statement by the President of the Council on the work of the Council during the second part of the twenty-seventh session

Addendum

I. Resuming of the session

1. The second part of the twenty-seventh session of the Council was held from 18 to 29 July 2022 in hybrid format. The meetings were held at the Knutsford Court Hotel in Kingston, due to renovation work being undertaken at the Jamaica Conference Centre.

2. After consultations with the Bureau, it was expressed that, having considered rule 39 of the Rules of Procedure of the Council and paragraph 18 of the information note on logistical and procedural aspects for the twenty-seventh session for the Council (part II) and the Assembly (18 July–5 August 2022) dated 3 June 2022, all meetings of the Council and its working groups for this session, if members of the Council did not object, would be streamed through the International Seabed Authority Web TV.

II. Report of the Secretary-General on the credentials of members of the Council

3. At the 285th meeting, on 26 July 2022, the Secretary-General informed the Council that, as at that date, formal credentials had been received from 29 members of the Council and information concerning the appointment of representatives had been communicated by means of facsimile or initialled notes verbale from six members of the Council.

III. Election of members of the Legal and Technical Commission

4. At the 281st meeting, the President provided an update to the Council on the work undertaken by the informal contact group established pursuant to the decision of the Council relating to the election in 2022 of members of the Legal and Technical Commission (ISBA/27/C/20). Following the update, informal discussions on the



mechanism for the elections continued within the contact group from 18 to 21 July 2022.

5. At the 284th meeting, the President presented a draft decision of the Council relating to the nomination and election of members of the Legal and Technical Commission as the outcome of the discussions held by the informal contact group, for the consideration of the Council. There was no consensus to continue on the basis of this document, therefore, the President requested that informal discussions continue until a compromise was reached.

6. At its 289th meeting, the Council adopted decision [ISBA/27/C/41](#) relating to the election of members of the Legal and Technical Commission.

IV. Status of contracts for exploration and related matters, including information on the periodic review of the implementation of approved plans of work for exploration

7. At its 281st meeting, the Council took note of the report of the Secretary-General on the status of contracts for exploration and related matters, including information on the periodic review of the implementation of approved plans of work for exploration ([ISBA/27/C/28](#)). It also noted that it had received a notification from Companhia de Pesquisa de Recursos Minerais S.A., renouncing its rights in the exploration area contained in its contract for exploration for cobalt-rich ferromanganese crusts, as well as a notification from Brazil terminating the sponsorship the company.

8. The Council also took note of the five-year periodic review of implementation of the plans of work for the periods between September 2021 and May 2022 for exploration for polymetallic sulphides by the Government of India, for polymetallic nodules by Nauru Ocean Resources, Inc. and for polymetallic nodules by the Cook Islands, and further noted the periodic reviews to be undertaken in 2022.

V. Report on matters relating to the Enterprise

9. Also at its 281st meeting, the Council resumed its consideration of the report of the Special Representative of the Secretary-General for the Enterprise ([ISBA/27/C/14](#)) and was invited to take note of additional information ([ISBA/27/C/14/Corr.1](#) and [ISBA/27/C/34](#)).

10. The Council discussed the recommendations, as presented in the reports, to establish the position of interim director general within the secretariat following the step-by-step approach on the operationalization of the Enterprise. It noted that the appointment of an interim director general would enable the Enterprise carry out the functions listed under section 2 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 and continue the much-needed input on the development of the regulations on exploitation, on an ongoing basis, as well as represent the interests of the Enterprise at the annual sessions of the Authority.

11. The Council took note that the African Group will present a draft decision for the consideration of the Council at the third part of the twenty-seventh session of the Council.

VI. Report of the Secretary-General on the status of national legislation relating to deep seabed mining and related matters

12. At its 281st meeting, the Council took note of the report of the Secretary-General on the status of national legislation relating to deep seabed mining and related matters (ISBA/27/C/26). The online database of the Authority currently contains information on or the text of relevant national legislation received from a total of 37 States.

VII. Draft regulations on exploitation of mineral resources in the Area

13. A large portion of the second part of the session was devoted to advancing work on the draft regulations in an informal setting, in line with the road map endorsed by the Council in December 2021.

14. At its 286th meeting, the Council took note of the information contained in a document submitted by the delegation of Belgium on the Rules concerning the application of 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, annex, section 6, paragraph 1 (d) in the draft regulations on exploitation of mineral resources in the Area (ISBA/27/C/13) and requested the Legal and Technical Commission to use the information provided in the document, as appropriate, when it considers the matter of the implementation of paragraph 1 (d) of section 6 of the annex to the Agreement.

A. Progress made in working groups

1. Fifth meeting of the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract under article 13, paragraph 1, of annex III to the United Nations Convention on the Law of the Sea and section 8 of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982

15. On 18 and 19 July 2022, the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract held its 5th meeting, under the chairmanship of Olav Myklebust (Norway), to further advance the work on the payment system for polymetallic nodules.

16. At the 287th meeting of the Council, on 28 July, the Chair gave an oral report to the Council and stated that written submissions to the draft regulations relevant to the payment regime would be welcomed until 1 September 2022 (see annex).

2. Informal Working Group on the Protection and Preservation of the Marine Environment

17. The Informal Working Group on the Protection and Preservation of the Marine Environment held meetings on 21, 22 and 25 July 2022.

18. At the 287th meeting of the Council, the Facilitator, Raijeli L. Taga (Fiji) delivered her oral report to the Council and requested that textual proposals on draft regulations 44–55 be submitted by 1 September 2022 (see annex).

3. Informal Working Group on Inspection, Compliance and Enforcement

19. The informal working group on Inspection, Compliance and Enforcement held its meeting on 20 July 2022.

20. At the 287th meeting of the Council, the Facilitator, Maureen Tamuno (Nigeria) delivered her oral report to the Council and set a deadline of 1 September for receiving textual proposals with a view to producing a revised facilitator's text for the next meeting of the Council (see annex).

4. Informal Working Group on Institutional Matters

21. The Informal Working Group on Institutional Matters held meetings on 26 and 27 July 2022.

22. At the 287th meeting of the Council, the Co-Facilitators, Gina Guillén-Grillo (Costa Rica) and Constanza Figueroa (Chile) delivered their oral report to the Council and set a deadline of 15 September 2022 for receiving textual proposals to produce a revised facilitator's text for the third part of the session (see annex).

5. Negotiations on the preamble, part III and part X of the draft regulations on exploitation of mineral resources in the Area

23. On 28 July 2022, the President of the Council suggested that, in line with paragraph 25 of the Statement by the President of the Council on the work of the Council during the first part of the twenty-seventh session (ISBA/27/C/21), the plenary should, in an informal setting, consider the other parts of the regulations not currently being reviewed by the established working groups.

24. In view of some suggestions to work with a document containing comments from all stakeholders, the President informed that he would work with the secretariat, intersessionally, to produce a negotiator's text for the third part of the twenty-seventh session of the Council.

B. Intersessional work and review of progress

25. During the 287th meeting, the Council discussed a proposal requesting the secretariat to commission two studies on the internalization of environmental costs of exploitation activities in the Area into the production costs of minerals from the Area, proposed by Costa Rica and Germany.

26. A number of delegations highlighted the importance of this study, some delegations shared views on the need to streamline the draft decision and define the meaning of environmental cost, others opined on the need for the study to be reflective of extractive industries and the importance to ensure the involvement of the Legal and Technical Commission in the work, including in the preparation of the terms of reference for such a study. It was agreed that proponents would work with other delegations intersessionally to incorporate suggestions for the consideration of the Council at the third part of the twenty-seventh session.

27. At the same meeting, the delegation of Germany introduced a draft decision for the consideration of the Council on the development of binding environmental threshold values. A number of delegations agreed that this would need to be streamlined with the draft standards and guidelines currently being developed by the Legal and Technical Commission. It was agreed that the delegation of Germany would work intersessionally with other delegations to provide a revised proposal for the Council's consideration at the third part of the twenty-seventh session

28. It was agreed that further intersessional work would be needed to finetune the draft decision on the suggested process for the development of the thresholds.

Schedule for meetings at the third part of the twenty-seventh session

29. At the 288th meeting, the Council agreed to continue its work during the third part of the twenty-seventh session with the following schedule:

- (a) Council would meet in plenary for two and half days;
- (b) Open-ended Working Group would meet for two days;
- (c) Informal Working Group on the Protection and Preservation of the Marine Environment would meet for two and a half days;
- (d) Informal Working Group on Inspection, Compliance and Enforcement would meet for one day;
- (e) Informal Working Group for Institutional Matters would meet for two days.

VIII. Report of the Secretary-General on the implementation of the decision of the Council in 2021 relating to the reports of the Chair of the Legal and Technical Commission

30. At its 281st meeting, the Council was invited to take note of the report of the Secretary-General on the implementation of the decision of the Council in 2021 relating to the reports of the Chair of the Legal and Technical Commission ([ISBA/27/C/27](#)). The Council welcomed the important work undertaken by the Secretariat in all aspects, especially in relation to activities of contractors; data management strategy of the Authority; and the collaboration with other bodies in the establishment of the Area 2030 initiative for the compilation of the bathymetric and other non-confidential data collected by contractors.

IX. Report of the Secretary-General concerning the operationalization of the Economic Planning Commission

31. At its 288th meeting, the Council took note of the report on the operationalization of the Economic Planning Commission ([ISBA/27/C/25](#)).

32. The Council discussed the legal and policy basis for the Commission, suggested composition and immediate focus which would be to review the trends of and factors affecting the supply, demand and prices of minerals that may be derived from the Area, bearing in mind the interests of both importing and exporting countries, and in particular of the developing States among them.

33. The Council also took note of estimated costing associated with servicing a one-week meeting of the Commission at the early stage of its functioning. While most delegations agreed with the need to ensure the operationalization of the Commission before the approval of the first plan of work for exploitation, some delegations shared the view that further consideration would be required owing to the financial implications of its operationalization on the budget of the Authority. The Council agreed to continue to keep this matter on its agenda.

X. Report of the Chair of the Legal and Technical Commission on the work of the Commission

34. At its 285th meeting, the Council was presented with the report of the Chair of the Legal and Technical Commission on the work and major achievements of the Commission.

35. The Council took note of the report and commended the hard work and achievements of the Commission during the present session and over the past six years. Several delegations welcomed the extensive work undertaken with respect to the implementation of training programmes provided by contractors. Some delegations expressed concern over the non-participation of some members of the Commission. The Council, based on the recommendations of the Commission, adopted a decision on the deferral of the schedule of relinquishment following a request by the Institut français de recherche pour l'exploitation de la mer ([ISBA/27/C/39](#)).

36. The Council noted that contractors had largely adhered to their programmes of activities, some had to make reductions or adjustments to their activities because of the coronavirus disease (COVID-19) pandemic and a minority of contractors were lagging on their work programme and as such, relied on work undertaken in other contract areas. In this respect, some delegations proposed that it would be beneficial for the Council to adopt guidelines for the Commission that outlined thresholds on the severity of a breach requiring a report to be made the Council.

37. The Council welcomed the work undertaken by the Commission in the development of a draft standardized procedure for the development, review and approval of Regional Environmental Management Plans and a draft Management Plan for the development Area of the northern Mid-Atlantic Ridge. It noted that the Commission would prepare, for the consideration of the Council, a draft procedure and criteria for consideration of a request for the transfer of rights and obligations under a contract for exploration alongside the Management Plan documents for the Council's consideration during the third part of its twenty-seventh session.

38. The Council noted the work undertaken by the Commission, as well as its review on the environmental impact statement submitted by Nauru Ocean Resources, Inc. and the basis of its decision not to recommend to the Secretary-General of the Authority for the statement to be included in the programme of activities of the Contractor.

XI. Report of the Finance Committee

39. The Council considered this agenda item at its 282nd and 285th meetings. On 20 July 2022, at the 282nd meeting, the Chair of the Finance Committee presented the report of the Finance Committee on the work undertaken by the Committee and updates on budgetary and other financial matters ([ISBA/27/A/8-ISBA/27/C/36](#)).

40. The Council expressed its satisfaction with the overall quality of the report and welcomed the recommendations by the Committee on the budgetary and financial matters, as well as the proposed revisions to the terms of reference for the voluntary trust fund to support the participation of members of the Council from developing States.

41. Some delegations expressed concerns over the increases in the proposed budget and noted that this was largely owing to the increase in conference costs owing to additional meetings. Some delegations expressed the view that the costs be considered

as a one-time occurrence and requested that the budget be executed accordingly, and that the Committee keep under review the issue of increase in conference costs.

42. At its 286th meeting the Council adopted a decision on financial and budgetary matters ([ISBA/27/C/40](#)). The Council recommended to the Assembly to adopt the budget for the financial period 2023–2024 in the amount of \$22,256,000, as proposed by the Secretary-General and adjusted by the Finance Committee (document [ISBA/27/A/3/Add.1/Rev.1-ISBA/27/C/22/Add.1/Rev.1](#)).

XII. Cooperation with other relevant international organizations

43. At its 289th meeting, on 29 July 2022, the Council considered a note by the Secretary-General on a memorandum of understanding between the International Seabed Authority and the African Union ([ISBA/27/C/29](#)). The note identified the basis for the proposed memorandum and highlighted that both organizations share common interest. At the same meeting, the Council approved the memorandum of understanding.

XIII. Dates of the next session

44. The third part of the twenty-seventh session of the Council will be held in Kingston from 31 October to 11 November 2022.

Annex

Oral reports

I. Oral report delivered by the Chair of the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract, Olav Myklebust (Norway)

1. The Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract held its fifth meeting on 18 and 19 July 2022. I have the honour to report on the outcome of the meeting.

2. In the afternoon of 18 July, the briefing note issued on 13 June 2022 was introduced. Recalling the discussions held in previous sessions, it was suggested that the Open-ended Working Group focus on the draft text prepared by the Chair for relevant draft regulations, appendix IV and standards and guidelines, and on particular issues related to the valuation of manganese in the nodules, as well as on the African Group's position paper on various aspects related to the payment options and rates.

3. A large number of participants presented various views on different issues related to the payment mechanism. Some presented positions on which option was preferable, while others maintained that all options should remain on the table. Several participants referred to the previous discussions on a study on environmental costs and stated that such a study should be conducted, as recommended to the Council by the Open-ended Working Group in March 2022. Some participants referred to a workshop hosted by Canada and the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development in July 2022 and suggested possible further collaboration between the Authority with the Forum.

4. On 19 July, the Open-ended Working Group held a first reading of the draft regulations relevant to the payment regime. Various suggestions and proposals were introduced, and written submissions will be welcomed until 1 September 2022, to further refine the draft text for discussion at the next meeting of the Open-ended Working Group in November 2022.

5. After the reading of the draft regulations and appendix IV, Richard Roth (Massachusetts Institute of Technology), gave a presentation on the use of the terms "wet metric tons" and "dry metric tons", followed by a presentation on the particular issues of manganese in relation to valuation, also stressing the need for transparency and applying an arms-length approach in relation to pricing.

6. South Africa, on behalf of the African Group, introduced the position paper of June 2022, which was submitted with note verbale EC/1 of 27 June 2022. The paper was welcomed by participants and its content will remain open for discussion in November 2022.

7. A briefing note will be provided before the meeting in November 2022.

II. Oral report delivered by the Facilitator of the Informal Working Group on the Protection and Preservation of the Marine Environment, Raijeli Taga (Fiji)

8. The Informal Working Group on the Protection and Preservation of the Marine Environment held its meetings on 21, 22 and 25 July 2022, in line with the road map adopted by the Council at its twenty-sixth session.

9. During the meetings, the Informal Working Group commenced with a reading of the revised facilitator's text (ISBA/27/C/IWG/ENV/CRP.1/Rev.1), with a high degree of participation and strong support for the importance of setting the highest standard for the protection and preservation of the marine environment as reflected in article 145 of the United Nations Convention on the Law of the Sea. Many participants welcomed the amendments to the revised facilitator's text and there was consensus among participants to the improvements in the revision.

10. At the first meeting of the Informal Working Group, the delegation from Germany introduced the document of 10 June 2022 on normative environmental thresholds for deep-seabed mining (ISBA/27/C/30). It was proposed that the establishment of such thresholds would be based on the environmental obligations under the Convention on the Law of the Sea, as a starting point, focus would be given to pressure-related thresholds and they should be agreed as binding standards. Germany suggested an intersessional working group be established to advance this work. The proposal was welcomed by many delegations. Some requested more time to review the proposal, while others suggested including the role of the Legal and Technical Commission in the work related to the thresholds. Germany has drafted a Council decision on the way forward which would be discussed at the plenary meeting.

11. As to overarching structural remarks, several participants suggested that definitions and clarifications of newly introduced terms should be accommodated when the work on the draft regulation is further progressed, including the need to ensure consistency with other provisions in the draft regulations. There was general support among participants to include the draft regulation on Regional Environmental Management Plans and that such plans must be in place before there is consideration given to an application for a plan of work by the Commission. Consequently, several participants also expressed the view that the phrase "if any" should be deleted throughout the regulations when referring to Regional Environment Management Plans.

12. In general, there was a request to streamline the language and to merge several provisions, in particular those on the environmental impact assessment, the environmental impact statement, and the reporting requirements. Several participants commented on the level of detail in the draft regulations for the environmental impact assessment and environmental management and monitoring plan, noting that further details could be included in the standards and guidelines. Several suggestions were made to streamline the stakeholder consultation as part of the environmental impact assessment process.

13. There were continued discussions on test mining, including on the possibility of requiring test mining to be mandatory for an application for the approval of a plan of work for exploitation in the Area. Participants discussed the timing and other practical issues related to test mining and its environmental impact assessment requirements. There was broad support for the inclusion of a provision on test mining in the draft exploitation regulations. Some participants held the view that test mining provisions would be best located within the exploration regulations.

14. The proposed environmental compensation fund was discussed. Participants acknowledged the webinar held on 21 June 2022 on the proposed fund and expressed appreciation for the clarity that it provided. Discussions centred on the purpose of the fund. Several participants shared their views and offered to provide textual proposals to provide greater clarity on the purpose of the fund. Some participants supported the view that the contribution amount that should be made to the fund should be decided by the Council upon recommendation of the Finance Committee. It was suggested

that the interrelation between the environmental compensation fund, the sustainability fund and the environmental performance guarantee should be further clarified.

15. Different views were provided on further discussions on the draft standards and guidelines. It was suggested that a review of the draft standards and guidelines and the corresponding draft regulation provisions should be done together. Other delegations preferred revisiting the draft standards and guidelines at a later date, when the draft regulations were more stable. Regarding the approach to continue the discussions on standards and guidelines, the Facilitator would require further guidance on the matter once the working group had worked further on the Facilitator's text and draft annexes.

16. The Informal Working Group conducted a reading of draft regulations 44 to 55. It was suggested by the Facilitator to continue the reading of draft regulations 56 to 61 and the relevant annexes at the third part of the twenty-seventh session in October and November 2022.

17. The Facilitator requested that all comments and suggestions to draft regulations 44 to 55 be submitted by 1 September 2022.

III. Oral report delivered by the Facilitator of the Informal Working Group on Inspection, Compliance and Enforcement, Maureen Tamuno (Nigeria)

18. The Informal Working Group on Inspection, Compliance and Enforcement held its second meeting on 20 July 2022. I have the honour to report on the outcome of the meeting.

19. In the morning of 20 July, the work of the Informal Working Group and the draft facilitator's text issued on 8 July 2022, was introduced. Recalling the discussions held in previous sessions, it was suggested that the Informal Working Group focus its work on the draft text prepared by the Chair for part XI of the draft regulations, including overall discussions on the appropriate inspection mechanism and related matters.

20. Participants provided their general comments on a wide range of important issues, including discussions on the creation of the institutional framework through which effective inspection, compliance and enforcement could be undertaken.

21. There was broad consensus among participants to establish an independent inspectorate to ensure effective monitoring of compliance and to revise the proposed framework accordingly. In that context, some participants outlined options for developing a compliance committee as a subsidiary body to the Council and supported by the Secretariat. There was interest in exploring this further and how such a committee should be established. Some delegations expressed interest in working intersessionally to study the establishment of a compliance committee further and conduct a comparative analysis of relevant existing inspection regimes.

22. Thereafter, the Informal Working Group commenced its specific reading of the revised text from the Facilitator in relation to part XI of the draft regulations.

23. During the morning session, participants expressed their views on draft regulations 96 to 98. In relation to these draft regulations, there was support for introducing a Code of Conduct for inspectors and there were discussions of where such code should be introduced. Furthermore, there was also broad support for introducing a roster of inspectors. It was suggested that regulation of the process of nomination, selection etc. for the roster would be better placed in a subsidiary instrument such as in the standards and guidelines.

24. In the afternoon session, draft regulations 99 to 105 were discussed. Among other issues, there were discussions on how the severity of penalties to be imposed could be introduced in a phased manner. Monitoring was discussed and it was also suggested that terminology be harmonized and aligned with other parts of the Convention to ensure uniformity in language.

25. To advance the work on the draft regulations, the Facilitator will collate the written textual proposals from delegations, with a view to producing a revised text for the November meeting. Delegates have been requested to provide their comments not later than 1 September 2022 in order for the Facilitator to be able to prepare a revised draft text.

IV. Oral report delivered by the Co-Facilitators of the Informal Working Group on Institutional Matters, Constanza Figueroa (Chile) and Gina Guillén-Grillo (Costa Rica)

[Original: Spanish]

26. After once more expressing our gratitude for the trust placed in us, as Co-Facilitators of this Informal Working Group on Institutional Matters, we have the honour to report to the Council on the work done during the second part of the twenty-seventh session of the Council.

27. At the meeting of its resumed twenty-sixth session, held in December 2021, the Council agreed on a road map for work on the draft regulations in 2022 ([ISBA/26/C/13/Add.1](#), annex), including the work of the informal working groups.

28. As you will recall, the secretariat kindly circulated a briefing paper with a proposed draft, dated 5 July 2022 ([ISBA/27/C/IWG/IM/CRP.1](#)), prepared by the Co-Facilitators, containing an examination of the proposals made by delegations regarding regulations 1 to 5 of parts I and II of the draft regulations on the exploitation of mineral resources in the Area ([ISBA/25/C/WP.1](#)), along with the comments made by the various delegations during the first working session of the Informal Working Group on Institutional Matters, which took place during the first part of the twenty-seventh session of the Council, in March 2022.

29. In addition to the document indicated, other relevant documents on the subject were made available, such as (a) a simplified compilation containing the proposals presented by each delegation; (b) a document containing a mapping that breaks down each of the mandates stipulated in the United Nations Convention on the Law of the Sea, the 1994 Agreement and other agreements already in force, for the various International Seabed Authority organs, to give delegations ready access to information on the areas of competence and obligations of each of these bodies. The document serves as a useful tool for negotiations and indicates the source of the responsibility and to which organ the mandate applies. The Co-Facilitators showed that this mapping can be improved; it has been designed to solicit contributions from other delegations on the definition of the responsibilities granted by the regulations on exploitation to each organ. It was pointed out that, in due course, the mapping should include – if the Council so provides in the future – other subsidiary organs of the Council, such as a compliance committee and an environmental advisory committee.

30. In accordance with the Council's programme of work, the Informal Working Group on Institutional Matters met on the afternoon of 26 July and in the morning and afternoon of 27 July to discuss the proposed text, which contained a compilation of the 39 proposals submitted by 13 delegations using the template.

The working methods of the Informal Working Group and its development

31. On the afternoon of 26 July, the Co-Facilitators began the review, paragraph by paragraph, of proposed draft regulations 1 to 5 of parts I and II of the draft regulations on exploitation, projecting the text of the document (ISBA/27/C/IWG/ IM/CRP.1) onto a screen, which made it possible to display the specific proposals formulated by the different delegations. The delegations expressed appreciation for the mechanism as a tool for effective progress.

32. During the discussion on regulation 1, “use of terms and scope”, delegations focused on:

(a) The references to the application of “relevant international agreements” – many delegations preferred its removal, owing to the legal uncertainty that might ensue because the paragraph does not specify which ones are relevant;

(b) The uniformity of the concept of “rules of the Authority” – certain delegations indicated that the term might be construed broadly to include standards and guidelines;

(c) The consistency between the exploration regulations and the exploitation regulations, particularly with regard to the way in which the concepts are used;

(d) The primacy of other international rules over the regulation;

(e) The uniform and non-discriminatory implementation of its rules.

33. With regard to regulation 1, progress was made with the tabling of proposals that received significant support, although the proposals remain subject to examination by delegations and other proposals using the template might still be made in specific areas.

34. During the discussions on regulation 2, “fundamental policies and principles”, delegations wondered whether a specific list of principles and policies guiding the implementation of the regulations should be included, or whether a more general reference should be made to them in the text. One delegation made a proposal to simplify the text of the regulation by strictly linking it to the principles and policies established in the Convention. Several delegations expressed their interest and requested more time to consult with their capitals before making any comments. Other delegations agreed on simplifying the text and only listing the principles that are not included in the Convention, such as the principles of transparency, accountability and stakeholder participation. One starting point that could be complemented was a proposal by a delegation that could allow for regulation 2 to be slightly shortened. The Co-Facilitators are awaiting comments from delegations on those proposals to be included in the text.

35. Regarding the discussions of regulation 3, “duty to cooperate and exchange of information”, delegations reiterated the need to remove the term “best endeavours” for the duty to cooperate of contractors and members of the Authority and to include the Enterprise and other actors such as applicants in that mandate. Delegations also requested the inclusion of the duty to “guarantee” the implementation of information and public participation processes. Some delegations expressed the need to clarify the role of such obligations for sponsoring States and the possible implementation of processes for that purpose. Delegations also had a rich discussion of the use of the terms “adjacent” and “relevant”, in reference to coastal States. There was consensus on the need for more time and for further discussion, so that delegations could work on an agreed understanding of these concepts, considering the potential damage to coastal States, close to the area of activities or under a relevant condition over those activities.

Incidents during the session

36. The session of the Informal Working Group on Institutional Matters, which was scheduled to begin at 3 p.m. on 26 July, had to be delayed owing to the discussions of the mechanism for the election of members of the Legal and Technical Commission, which lasted until 4.30 p.m., delaying the work that could be carried out.

37. On 27 July, the session of the Informal Working Group on Institutional Matters had to be delayed by one hour and began at 11 a.m., owing to technical problems that prevented the interpreters from carrying out their work, causing problems for parts of the debate.

Recognition of outstanding work

38. During the opening of the working session on 27 July, the Co-Facilitators paid a brief tribute to Myriam Sibuet, a French scientist who dedicated her life to knowledge of the deep sea.

Conclusions

39. Despite the difficulties in carrying out its work on time, thanks to the participation and valuable contributions of all delegations, the Working Group was able to hold an active discussion that will allow it to continue working with a view to its session scheduled for the end of October and the beginning of November 2022.

40. Progress was made on less generic texts for regulations 1, 2 and 3.

41. The Co-Facilitators pledged to hold a webinar on effective control, which will guide the drafting of several of the regulations.

42. It was agreed that texts proposed by delegations will be sent to the secretariat by 15 September, to be used as inputs for a revised facilitator's text that will be prepared for discussion at the next session.

43. The Co-Facilitators appreciate the participation of all delegations, but above all, the valuable collaboration of the secretariat, both prior to and during the sessions of the Working Group. We would like to thank in particular Gwenaëlle, Gina, Lea and Yongsheng, as well as the interpreters, who make this discussion possible.



Council

Distr.: General
14 December 2022

Original: English

Twenty-seventh session
Council session, part III
Kingston, 31 October–11 November 2022

Statement by the President of the Council on the work of the Council during the third part of the twenty-seventh session

Addendum

I. Resuming of the session

1. The third part of the twenty-seventh session of the Council was held from 31 October to 11 November 2022 at the Jamaica Conference Centre in Kingston.

II. Report of the Secretary-General on the credentials of members of the Council

2. At the 295th meeting, on 10 November, the Secretary-General informed the Council that formal credentials had been received from 26 members of the Council and that information concerning the appointment of representatives had been communicated by means of facsimile or initialled notes verbales from four members of the Council.

III. Report on matters relating to the Enterprise

3. At the 296th meeting, on 11 November, the representative of the African Group introduced a draft decision relating to the appointment of an interim director general of the Enterprise. The representative invited delegations to provide input for the draft, indicating that it would be tabled for adoption at the next meeting of the Council.

IV. Draft regulations on exploitation of mineral resources in the Area

4. The Council continued to consider the draft regulations on exploitation of mineral resources in the Area, in both an informal setting through its working groups and in plenary with respect to the President's text for all aspects that are not allocated to any of the working groups.



5. On 31 October and 1 November, the Informal Working Group on Inspection, Compliance and Enforcement held a third meeting under the leadership of the Facilitator, Maureen Tamuno (Nigeria), and completed the reading of her revised text. It was agreed that the Facilitator would prepare a further revised text for the next meeting in March 2023.

6. On 1 and 2 November, the Informal Working Group on the Protection and Preservation of the Marine Environment met for the third time and completed the resumed reading of the Facilitator's revised text. It was agreed that the Facilitator would prepare a further revised text for the next meeting in March 2023.

7. On 7 November, the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract under article 13, paragraph 1, of annex III to the United Nations Convention on the Law of the Sea and section 8 of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 held its sixth meeting, chaired by Olav Myklebust (Norway). The Open-ended Working Group completed the resumed reading of the Chair's text. It was agreed that the Chair would prepare a revised text for the next meeting in March 2023. The collaboration between the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development and Massachusetts Institute of Technology in supporting the work of the secretariat was welcomed.

8. On 8 and 9 November, the third meeting of the Informal Working Group on Institutional Matters was held under the leadership of the Co-Facilitators, Constanza Figueroa (Chile) and Gina Guillén-Grillo (Costa Rica). The Working Group reviewed the revised text in relation to draft regulations 1 to 5 and identified intersessional work to advance the drafting of provisions in relation to article 142 of the Convention and the effective control of an entity sponsored by a State party to the Convention (see annex I).

9. At the 296th meeting, on 11 November, the Council received oral reports from the Chair and the Facilitators with respect to the progress made within each working group, including proposed intersessional work. The oral reports of the Facilitators are reproduced in annex I to the present report. A deadline of 15 January 2023 was set for the submission of written proposals relating to all parts of the regulations.

Review of progress on the implementation of the road map for the twenty-seventh session in 2022, including discussion of alternative scenarios, and road map for the twenty-eighth session in 2023

10. On 4 November, the Council held an exchange of views on progress in the development of many components of the regulations, especially through the work carried out diligently in the working groups.

11. In relation to the status of the regulations, there was consensus among delegations that no exploitation should proceed until the legal framework for mining had been finalized, with the completion and adoption of the regulations on exploitation and the relevant accompanying standards, especially environmental standards. All delegations committed themselves to pursuing efforts in good faith, which they recognized was at the core of the mandate of the International Seabed Authority. However, divergent views were expressed as to the possibility of completing the regulations by July 2023.

12. Following the review of progress, the President of the Council presented a draft road map for the twenty-eighth session in 2023 for consideration. Discussion evolved around the balance of days allocated to the Legal and Technical Commission and the Council within the budget constraints for 2023, the importance of operationalizing

the Enterprise and the Economic Planning Commission, without which the process of adopting the regulations would not be complete, and the need to review the progress made.

13. Following the discussion on the road map, there was an exchange of views on the hypothesis that an application for exploitation might be submitted before July 2023, prior to the completion of the regulations and within the prescribed two-year time frame following the request by the delegation of Nauru pursuant to section 1, paragraph 15, 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. The delegation of Nauru stated that it did not intend to sponsor an application for exploitation before or by July 2023 or to prejudice the outcome of the Council's work in July 2023. However, some delegations expressed the need for legal certainty on the meaning and interpretation of the provision, including the procedural aspects, and the roles of the Council and the Legal and Technical Commission in that regard, without overshadowing progress on the regulations during the twenty-eighth session. A suggested approach was to determine areas of convergent and divergent interpretation in the Council.

14. On 11 November, the Council established an informal intersessional dialogue to further explore commonalities in possible approaches and legal interpretations for the Council to consider at the next meeting (see [ISBA/27/C/45](#) and below).

15. Also on 11 November, the Council endorsed the road map as contained in annex II to the present report.

Intersessional work

16. The Council adopted three decisions related to intersessional work, stressing the importance of such work for future negotiations, including on standards, guidelines and annexes to the regulations, namely:

(a) Decision of the Council relating to the development of binding environmental threshold values ([ISBA/27/C/42](#));

(b) Decision of the Council relating to the commissioning by the secretariat of a study on the internalization of environmental costs of exploitation activities the Area into the production costs of minerals from the Area ([ISBA/27/C/43](#));

(c) Decision of the Council relating to the possible scenarios and any other pertinent legal considerations in connection with section 1, paragraph 15, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea ([ISBA/27/C/45](#)).

V. Report of the Chair of the Legal and Technical Commission on the work of the Commission during the twenty-seventh session

17. The Council recalled that the Chair of the Legal and Technical Commission, Harald Brekke (Norway), had presented the reports and recommendations of the Commission ([ISBA/27/C/16/Add.1](#)) at the second part of the twenty-seventh session in July 2022. The Council had deferred the following recommendations of the Commission for consideration at the third part of the session:

(a) Draft procedure and criteria for consideration of a request for the transfer of rights and obligations under a contract for exploration ([ISBA/27/C/35](#), annex I). The Council decided to request the Commission to further review the draft procedure

and criteria, considering the fee, the functional transfer of rights and obligations, the explicit consent of the sponsoring State, the format of the certificate of sponsorship, the notification to the sponsoring State and the liabilities in the case of transfer. Some delegations considered that the procedure and criteria should be considered only after the Council had addressed the question of effective control in the context of the regulations (ISBA/27/C/44, para. 12);

(b) Recommendations on a standardized approach for the development, approval and review of regional environmental management plans in the Area, including a template with indicative elements (ISBA/27/C/37). Recalling the proposals made by the delegations of Germany and the Netherlands in 2019 (ISBA/26/C/6 and ISBA/26/C/7), the Council decided to request the Commission to further develop a standardized approach, considering, inter alia, the role of the Commission, the role of an expert committee and the period for consultation, with a view to ensuring that the standardized approach ensured transparency, inclusiveness and accountability. The Council set a deadline of 15 January 2023 for the submission of written comments on matters to be reviewed by the Commission at its next meeting (ISBA/27/C/44, para. 13);

(c) Draft regional environmental management plan for the Area of the northern Mid-Atlantic Ridge with a focus on polymetallic sulphide deposits (ISBA/27/C/38). Comments were made in relation to the contractor's rights to exploration, the precautionary principle versus the precautionary approach, the nature and scope of impacts, the zoning scheme, consultation with coastal States and the annex that would be converted into a comprehensive road map. The Council expressed its appreciation for the development by the Commission of a draft regional environmental management plan for the Area of the northern Mid-Atlantic Ridge. The Council requested the Commission to review the draft plan following the adoption by the Council of a standardized procedure for the development, review and approval of regional environmental management plans and the template, in the light of the Council's comments (ISBA/27/C/44, para. 14).

18. At the 294th meeting, on 10 November, the Chair of the Legal and Technical Commission presented the supplementary report and recommendation of the Commission concerning the review of the environmental impact statement submitted by Nauru Ocean Resources Inc. (NORI) and its incorporation into the programme of activities of the NORI contract regarding the testing of components of a polymetallic nodule collector system in the NORI-D contract area of the eastern Clarion-Clipperton Zone, in the Central Pacific Ocean (ISBA/27/C/16/Add.2).

19. Members of the Council requested clarification on certain matters, including the working modalities of the Commission, the reporting and publication process and the issue of transparency, such as in the use of the silence procedure for the adoption of recommendations by the Commission on 2 September 2022.

20. The Chair clarified that the Commission had followed the environmental impact statement review process as described in the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area that existed at the time of the submission of the environmental impact statement by NORI (ISBA/25/LTC/6/Rev.1 and ISBA/25/LTC/6/Rev.1/Corr.1). The Commission found that it was unfair to follow the latest revised review process as described in the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area (ISBA/25/LTC/6/Rev.2) after the Commission and the contractor had entered the final phase of the environmental impact statement review process. In addition, the Chair explained that the recommended period for providing additional information had been respected by

NORI and that such information had been received after the meetings of the Commission held in July. For that reason, the Commission had agreed that, following the adjournment of the July meeting, an open-ended working group would be tasked with continuing the review and reporting to the full Commission for its consideration, with a view to issuing recommendations to the contractor through the Secretary-General.

21. The Council requested the Commission to clarify the criteria for use of the silence procedure in the adoption of recommendations and to review the latest version of the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area ([ISBA/25/LTC/6/Rev.2](#)). The Council's request is reflected in paragraphs 16 and 17 of [ISBA/27/C/44](#).

22. At the 296th meeting, on 11 November, the Council adopted a decision relating to the reports of the Chair of the Legal and Technical Commission ([ISBA/27/C/44](#)).

VI. Report of the Secretary-General concerning the operationalization of the Economic Planning Commission

23. At the 292nd meeting, on 3 November, the Secretary-General resumed consideration of the report on the operationalization of the Economic Planning Commission ([ISBA/27/C/25](#)). The Council welcomed the report, including its financial implications, and decided to keep the matter under review at the twenty-eighth session.

VII. Dates of the next session

24. The dates of the next session are provided in annex II.

Annex I

Reports on progress made by the working groups and by the Council as a whole regarding the President's text

I. Oral reports

A. Oral report by the Facilitator of the Informal Working Group on Inspection, Compliance and Enforcement, Maureen Tamuno (Nigeria)

1. The Informal Working Group on Inspection, Compliance and Enforcement held its fourth meeting on 31 October 2022. To continue its work, it was agreed that the Working Group would continue the reading of the Facilitator's revised text on 1 November.
2. In the morning of 31 October, the work of the Informal Working Group was introduced, including the Facilitator's revised text for the regulation on inspection, compliance and enforcement (ISBA/27/C/IWG/ICE/CRP.1/Rev.2).
3. Recalling the discussions held in previous sessions, it was suggested that the Informal Working Group focus its work on the draft revised text prepared by the Facilitator for part XI of the draft regulations, including overall discussions on the appropriate inspection mechanism. The Facilitator reminded participants that nothing would be considered agreed until everything had been agreed.
4. Participants provided their general comments on the Facilitator's revised text, and discussions were conducted on the appropriate inspection mechanism. Participants agreed that it was vital to create a strong, robust, operational, independent and transparent institutional framework through which effective inspection, compliance and enforcement could be ensured in compliance with the United Nations Convention on the Law of the Sea, applying an evolutionary approach in a cost-effective manner.
5. Several participants expressed support for developing a compliance committee subordinate to the Council to oversee compliance with the regulations on exploitation. Textual proposals to that effect were provided by some participants during the meeting. Several other participants were comfortable with the inspectorate model or expressed the view that it would be beneficial to have the Legal and Technical Commission oversee compliance with the regulations on exploitation to avoid duplication and overlap of functions with existing organs. Some participants remained to be convinced by the two conceptual approaches regarding inspection, which needed to be determined, as the choice would be determinant for the drafting of part XI (in relation to the method, geographical scope, sanctions, scope of inspection and timelines, bearing of costs, reporting line and type of monitoring equipment).
6. Thereafter, the Informal Working Group commenced its specific reading of the Facilitator's revised text in relation to part XI of the draft regulations.
7. During the afternoon session of 31 October, participants expressed their views on draft regulations 96 to 99. In relation to those draft regulations, there was support for the proposed introduction of a code of conduct. Furthermore, there was also broad support for the proposed roster of inspectors. Discussions were held in relation to how the roster of inspectors should be regulated, how appointments should be made, including reference to geographical representation and gender balance, the qualifications required and who should administer the roster. It was suggested by some participants that those elements be regulated in the standards and guidelines. The suggestion that the roster be made publicly available on the website of the International Seabed Authority was welcomed by many participants. Discussions

were also conducted in relation to the geographical scope of inspection, the period of inspection and the role of inspectors. In paragraph 4 of draft regulation 96, entitled “Inspections: general”, reference was made to the phrase “Inspectors may inspect during the whole lifecycle of the activities in the Area”. Several participants were in favour of extending the inspection period to include the period after the activities had ended. General clarification was suggested by some participants, for example in terms of a definition of the inspectorate and what international principles should apply in relation to inspection.

8. The specific reading of the revised text resumed in the morning of 1 November, and discussions on the draft regulations continued with regulations 100 to 105. In relation to draft regulation 100, on reports, general comments were provided in terms of the deadlines for reporting, including the use of the term “promptly”. Several participants suggested inserting the specific number of days instead of using a general term. With regard to regulation 100, many participants suggested deleting the reference to “admissible evidence” in paragraph 2 bis, as the power to decide what was admissible evidence was to be assessed by national courts and tribunals. A suggestion was also made that there would be merit for discussion on the institutional framework related to inspection, to be cross-referenced or considered in the context of the work of the Institutional Working Group on Institutional Matters. In that regard, it was suggested that a flow chart be prepared to clarify aspects under discussion and to represent the interplay of entities.

9. Participants successfully finalized the reading of the Facilitator’s revised text. It was agreed by some delegations that intersessional work would be carried out, including continued debate on the proposed compliance committee and the flow chart.

10. The Facilitator encouraged participants to provide their proposals in writing and to exchange ideas on the conceptual approach to inspection. To advance work on the draft regulations, the Facilitator would collate the written textual proposals of participants as well as joint proposals, with a view to producing a further revised text for the meeting in March 2023. Participants were requested to provide their comments no later than 15 January 2023 to allow for their consideration and inclusion in the further revised text.

B. Oral report by the Facilitator of the Informal Working Group on the Protection and Preservation of the Marine Environment, Raijeli Taga (Fiji)

11. The Informal Working Group on the Protection and Preservation of the Marine Environment held its meetings on 1 and 2 November.

12. During the third part of the twenty-seventh session of the Council, the Informal Working Group resumed the reading of the Facilitator’s revised text (ISBA/27/C/IWG/ENV/CRP.1/Rev.1), with continued strong support for the importance of setting the highest standard for the protection and preservation of the marine environment, as reflected in article 145 of the Convention. The reading resumed from draft regulation 56, on funding of the environmental compensation fund, as set out in the Facilitator’s briefing note of 3 October 2022.

13. Negotiations on draft regulation 56 commenced on 1 November. Most participants were satisfied with the revised wording of the provision and the insertion of the reference to the polluter pays principle. Several participants asked for further clarity on how contributions were to be made and initiated and the percentage of the fee to be paid, including whether the fees were the same whenever referenced in the provision. Some participants also suggested clarifying the applicability of the regulation with regard to the Enterprise.

14. In the discussion on part VI of the draft regulations relating to closure plans, several participants welcomed the changes in terms of the review period in draft regulation 59, on the closure plan, including the suggestion that the plan be updated each time there is a material change in a plan of work, or every five years. Several participants provided textual proposals and suggestions to refine the text of draft regulation 59. The Facilitator welcomed the submission of written proposals in that regard.

15. Participants suggested that the wording “if any” in paragraph 1 of draft regulation 60, entitled “Final closure plan: cessation of production”, and throughout the text, should be deleted as there was consensus that regional environmental management plans must be in place before the Legal and Technical Commission considered an application for a plan of work. It was also suggested by several participants that stakeholder consultation must be provided in relation to the final closure plan.

16. With regard to draft regulation 61, on post-closure monitoring, the introduction of an independent auditor to conduct the final performance assessment was well received by most participants. A few suggested including a roster of qualified auditors for the conduct of the assessment. It was also proposed by some participants that a final performance assessment report should be published on the website of the Authority.

17. With respect to the annexes, participants welcomed the content of the newly proposed annex III bis on the scoping report. Some indicated that it might be more useful to include it in a standard or a guideline that would allow for adaptability over time. It was suggested by several participants that clarification be provided on the timing of the scoping report and that the new annex needed to be harmonized with draft regulation 46 bis, on environmental impact assessments, and the relevant standards and guidelines.

18. Discussions continued in the negotiations on annex IV on environmental impact statements, focusing on the mandatory or recommendatory nature of the template. Many delegates were in favour of making the template mandatory, stating that it should be kept as the minimum requirement while further specifications were set out in the standards and guidelines. One participant suggested that the template should be recommendatory. Some reiterated the importance of including recovery rates and stressed the importance of the inclusion of mandatory threshold values. Most participants agreed that, to be able to specify thresholds, more data would be required. One participant suggested including the thresholds in the standards and guidelines.

19. On specific sections of the template, suggestions were provided in relation to technical specifications and to improve clarity and consistency, and a request was made to update the definitions. For example, several participants highlighted the need for consistency in the wording of environmental conditions, including in the use of “oceanographic”, “physical”, “chemical” and “biological” throughout the text. A few participants pointed out that some sections, such as sections 4.5 and 4.8, were redundant. In terms of technical suggestions, a few participants suggested that biological communities should include “composition and structures” and “microbial communities” as part of the biological environment.

20. In the afternoon of 2 November, discussions on annex IV continued in the Informal Working Group. Suggestions were made to further streamline the text of the annex and avoid repetition. Several participants welcomed the newly added section 9 bis on the assessment of uncertainty. A number of participants agreed, in relation to section 13, that stakeholder consultation would be beneficial, and there was broad support for adopting a standardized approach to such consultation. Some participants asked for more clarity on the definition of stakeholders and on how the consultation

process was to be handled. Some suggested the need for peer review by independent experts, the qualifications of whom should be listed publicly.

21. Following the negotiations on annex IV, a proposal was made by a participant to add a new annex on the design criteria for impact reference zones and preservation reference zones. The proposal was supported by several participants, and discussions on the application of such zones during the exploitation phase ensued.

22. The afternoon of 2 November closed with discussions on appendix VII on environmental monitoring and management plans and annex VIII on closure plans.

23. In relation to intersessional work, several participants offered to work in smaller groups to make further progress and provide a consensus-based text on relevant matters, including on the standards and guidelines and a standardized approach for stakeholder consultation. Furthermore, several participants suggested conducting intersessional work on establishing definitions of cumulative impact.

24. The Informal Working Group successfully completed the reading of the Facilitator's revised text, and it was agreed that the Facilitator would provide a further revised text before the meeting in March 2023. The Facilitator requested that all comments and suggestions on the revised text – negotiated in both July and November – be submitted by 15 January 2023.

25. The Facilitator thanked the secretariat for its support and the members of the Authority and observers, without whose support, assistance and contribution work on the regulations would not have advanced.

26. On behalf of the Government of Fiji, the Facilitator thanked the participants for their work.

C. Oral report by the Chair of the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract under article 13, paragraph 1, of annex III to the United Nations Convention on the Law of the Sea and section 8 of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, Olav Myklebust (Norway)

27. The Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract under article 13, paragraph 1, of annex III to the United Nations Convention on the Law of the Sea and section 8 of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 held its sixth meeting on 7 November. The Chair's report on the meeting is set out below.

28. In the morning of 7 November, the Chair introduced a briefing note dated 20 October 2022. As suggested in the note, the Open-ended Working Group focused on the resumed reading of the Chair's draft text of 13 June 2022 on a first payment system.

29. Some participants presented views on general topics and various issues related to the payment mechanism, such as the valuation of metals other than the four main minerals and the focus first on polymetallic nodules for the regulations. On behalf of the African Group, one participant introduced a submission dated 22 August 2022 proposing an amended text for the payment regime provided for in the draft regulations on exploitation of mineral resources in the Area. The submission was welcomed by several participants.

30. Thereafter, the Open-ended Working Group resumed and completed its first reading of appendix IV on the determination of a royalty liability and of the relevant

draft standards and guidelines (item 4 (a) of the briefing note). Some specific textual proposals were made.

31. After completing the reading, Richard Roth of Massachusetts Institute of Technology made a presentation on issues related to the valuation of manganese in the nodules (item 4 (b) of the briefing note), using ore as a basis or other processed manganese (electrolytic manganese metal or medium carbon ferromanganese) or using a weighted average, as in the current financial model. Discussions were conducted in relation to the specific nature of manganese, and a proposal was made in relation to the manganese breakdown and how a simpler approach could be taken using a single benchmark price. A more simplified valuation of manganese would be reflected in the next revised text, with further calculations by Massachusetts Institute of Technology for the next meeting.

32. In the afternoon of 7 November, Mr. Roth gave a presentation on the possible deduction of domestic and sponsoring State tax from (higher) royalty rates (item 4 (c) of the briefing note), introducing issues raised by the African Group in its position paper of June 2022. The presentation and the proposals of the African Group were welcomed by two participants and no opposing views were stated. The Chair suggested that the revised draft text would attempt to reflect the suggestions of the African Group while addressing concerns related to possible overtaxation, forum shopping and similar issues.

33. On the topic of financial implications of direct and indirect transfer of rights, also raised by the African Group (item 4 (d) of the briefing note), a recorded presentation of the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development was played. One participant suggested conducting further discussions of the feasibility of the proposal of the African Group to introduce taxation of transfer of rights. Several participants stated their appreciation for the fruitful intersessional work with the Intergovernmental Forum and the Massachusetts Institute of Technology and their wish for that work to continue. The Chair suggested that the Intergovernmental Forum further analyse that complex topic in collaboration with the Institute and present the outcome of its work at the following meeting of the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract.

34. With regard to the example of royalty calculation in the guidelines that had been worked on, several participants stated their views in July and in November 2022. On the basis of those views and discussions in the Open-ended Working Group, a new analysis and calculations would be provided by the Massachusetts Institute of Technology in advance of the meeting of the Open-ended Working Group in March 2023.

35. Written submissions might be submitted until 15 January 2023, with a view to preparing a revised text for discussion at the following meeting of the Open-ended Working Group, in March 2023.

D. Oral report by the Co-Facilitators of the Informal Working Group on Institutional Matters, Constanza Figueroa (Chile) and Gina Guillén-Grillo (Costa Rica)

36. As agreed at the meeting held in July 2022, the Co-Facilitators presented a revised text, on 8 November 2022 (ISBA/27/C/IWG/IM/CRP.1/Rev.1). The revised text was viewed as a solid basis for future negotiations.

37. In addition to the revised text, other relevant background material had been prepared to facilitate the negotiations, such as: (a) a document that contained a mapping that broke down each of the mandates stipulated in the Convention, the

Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 and other agreements already in effect for the different bodies of the Authority; and (b) a summary of the proposals received in 37 templates for amendments to regulations 1 to 5 and a summary with templates submitted by the delegations in 2019 for parts V and VIII.

38. The Informal Working Group commenced its reading of the draft text, which was projected onto a screen where the various suggestions made by participants were shown directly.

39. With regard to draft regulation 1, on use of terms and scope, there was consensus among participants that it was crucial to clearly set out what terms were referred to throughout the regulations, and the suggested modifications were, in general, accepted. Discussions were held in relation to the proposed reference to the regional environmental management plans, in paragraph 6, which satisfied the majority of the participants; a few of them, after recognizing the relevance of such plans, agreed to the desirability of including them in that section, as there was no clarity in respect of their legal status. A delegation expressed concern about the reference to “international law” in paragraph 8, in cases of members not being parties to the same international treaties. A participant suggested to use “applicable” international law. Participants were reminded that the original wording was identical to paragraph 5 of regulation 1 of the regulations on prospecting and exploration. A participant made the suggestion to move paragraph 9 to draft regulation 2, as a more suitable place, which met with no objection.

40. With regard to draft regulation 2, on principles, approaches and policies, a new draft proposal was introduced. Regarding paragraph 2, participants discussed whether language should be added on reaching a reasonable balance between exploitation and the protection of the marine environment. Most participants did not agree to the proposed amendment, saying that the protection obligation in article 145 of the Convention was absolute. Several participants stressed that care must be taken when paraphrasing the Convention. Discussions were also held on the phrase “including biological diversity and ecological integrity” in paragraph 2. There was broad consensus to simplify the text by deleting that phrase and simply referring to article 145 of the Convention. The Co-Facilitators explained that paragraph 4 was a summary of various views put forward in July 2022. Many participants supported the content of the paragraph in principle. However, some stressed that the wording was not necessary and not sufficiently precise or properly placed in the regulations on exploitation. Most participants were in favour of deleting the paragraph. Few participants provided alternative text. The Co-Facilitators welcomed further textual proposals.

41. Discussions were held on draft regulation 3, on duty to cooperate and exchange of information. Several suggestions aimed at refining the text were welcomed by participants. A question was raised as to whether the port State should be included, and no objection to its deletion was made. Regarding paragraph (c), on public information and participation, one participant mentioned that an intersessional working group was working on text for standardized public consultation procedures and stressed the importance of having the same procedures in all circumstances. In relation to paragraph (d), some participants noted the lack of inclusion of the terms “relevant adjacent costal State”. The Co-Facilitators referred to the broad consensus among participants in the meeting held in July 2022 not to support such an inclusion. The Co-Facilitators suggested the use of “close to the contract zone” to address the concerns of the proponents of the insertion of “adjacent”. Various views were expressed, and participants requested further consideration. The Co-Facilitators urged participants to engage with one another between the present meeting and

January 2023 and to submit a joint proposal. Concerning paragraph (f), one participant suggested that educational awareness programmes not be limited to stakeholders. There were no objections to the suggestion.

42. The reading of paragraph (g) of draft regulation 3 started in the morning of 9 November. Several textual proposals to the revised text were made. A new paragraph (h) was then introduced. Some participants expressed doubt as to the content, specifically in relation to paragraphs (c) to (f), stating that not all those points entailed the preparation and adoption of norms and directives. One participant supported the text in principle but highlighted the need for further work on the wording and for alignment with other relevant regulations. During discussions on draft regulation 3, it was suggested to replace “States members of the Authority” with “members of the Authority”, to allow for the inclusion of the European Union. While several delegations indicated their agreement, they requested that a definition be included in the schedule to define “members of the Authority” accordingly.

43. A discussion then ensued in respect of draft regulation 4, on rights and legitimate interests of coastal States and duty to notify. Many comments were made. Many participants suggested deleting the phrase “duty to notify” in the regulation title, as it went beyond the requirement set out in article 142 of the Convention. At the same time, some delegations stated that the same article provided a very effective notification mechanism and, therefore, that there seemed to be a contradiction if the phrase was left in the title. One participant suggested making the draft regulation clearer by including “shall”. No one opposed that proposal. A new paragraph 2 was introduced. Participants welcomed the proposal. Some participants expressed concern about the specificity and procedures to be used in reference to the sentence “appropriate consultation and notification protocols will be developed”. Concern was also expressed in relation to the reference to the regional environmental management plans in the text proposed. One participant suggested inserting a time frame, and several participants welcomed the subsequent textual proposals in that regard. In relation to paragraph 3, many participants welcomed the reference to “harmful effects”, as used in article 145 of the Convention. Several proposals were put forward to improve the wording of the paragraph. A new paragraph 4 was introduced and welcomed by participants. Regarding that paragraph, and as a general note, several participants stressed the need for streamlining in respect of the different references to coastal State consultation and other elements. One participant offered to facilitate a smaller intersessional working group that would work on further advancing and refining the relevant regulations. Several participants expressed their willingness to assist in such work. The Co-Facilitators suggested that a group of countries organize themselves and propose a definition of the concept of a State adjacent, nearby, adjoining or other. The delegation of Mexico offered to lead the small intersessional working group to meet the concern of the proponents of the inclusion of “adjacent” and different and possible terms to use. The Co-Facilitators expressed their appreciation for the initiative of the delegation of Mexico and the interest shown by the other delegations in collaborating with it in preparing the proposals to present such a definition to the Informal Work Group. During the afternoon of 9 November, a new paragraph 12 was proposed. Some participants made textual proposals relating to the content and had reservations on the inclusion of the new paragraph, expressing the need for more time to review it.

44. A new draft regulation 4 bis was presented, concerning the duty of the member State to notify. Several questions were raised on the content of the regulation, including questions as to the type of notifications envisaged under the draft regulation and the geographical application. A participant said that cross references to other draft regulations should be avoided, as a list of obligations upon States must be established separately. Some participants suggested that, if the intent was to

establish a procedure whereby other States could express concern, it might be better dealt with under part XI, and in that regard a participant suggested that the mechanism for a more general public notification be established.

45. A reading of part II commenced with draft regulation 5, on qualified applicants. With reference to paragraph 2, many participants welcomed the revisions that integrated the concept of effective control. One participant suggested to integrate the elements needed in terms of submitting an application by adding the words “and all necessary information”. This suggestion was welcomed by many participants. Another delegation proposed the inclusion of a list with specific requirements, which was supported by various delegations. With regard to paragraph 3, two new subparagraphs (c) and (d) concerning sufficient information in the application were introduced. Several participants supported the inclusion of the new paragraphs and no one opposed it. In relation to paragraphs 4 and 5, one participant suggested harmonizing the references to associations, consortiums and groups, saying that they should be consistent. Lastly, regarding the new proposed paragraph 6, one participant expressed reservations, stating that an assessment of the national legislation on the same topic must be carried out.

46. The Co-Facilitators informed the participants that a provisional agenda for an intersessional webinar on the question of effective control had been prepared with the help of a group of countries that had expressed an interest in the topic. The provisional agenda was projected in the room for information and comments. The information was well received by the delegations. Participants were also informed that the webinar would be divided into three sessions: (a) legal aspects to determine effective control; (b) practical implications of effective control; and (c) legal implications in the regulatory framework. The Co-Facilitators invited delegations to suggest presenters for the webinar.

47. The Co-Facilitators commended the Informal Working Group for the progress made and welcomed written suggestions from participants, with a view to releasing a further revised text before the meeting of March 2023. The deadline of 15 January 2023 was set for the submission of written proposals.

48. The Co-Facilitators thanked the delegates for their participation and praised the valuable assistance provided by the secretariat, especially its Office of Legal Affairs, led by Mariana Durney. The Co-Facilitators also acknowledged the invaluable work of the President of the Council, the interpreters, the people in charge of conference services and, especially, the delegations, which had enabled the Informal Working Group to make progress.

II. Report on the review of the President’s text by the Council as a whole

49. In the afternoon of 10 November 2022, the Council met in an informal setting to draft and negotiate the President’s text. It was recalled that the parts of the draft regulations and standards for phase I that had not been allocated to an informal working group of the Council had been allocated to the Council in an informal setting, in accordance with the President’s briefing note of 31 March 2022.

50. It was also recalled that, during the meeting held July 2022, the President had agreed to compile all the proposals received from delegations and participants relating to the draft regulations not considered by the informal working groups.

51. The President introduced the President’s text (ISBA/27/C/WOW/CRP.1), explaining that the text comprised a full collation of the textual proposals received from delegations and observers.

52. The reading of the President's text commenced with the preamble. One regional group suggested aligning the preamble with that to the regulations on exploration, as the current version resembled more a preamble to a treaty. The same regional group suggested new text, including a reference to article 145 of the Convention and the protection of the marine environment. Other delegations suggested streamlining the preamble to avoid repetitions. Several delegations were in favour of the newly proposed alternative 2. In the last part, two delegations suggested deleting the reference to the Sustainable Development Goals, as those had a limited time frame.

53. The reading continued with part III, on the rights and obligations of contractors, and draft regulation 17, on the contract. One delegation suggested to replace "forthwith" with "without delay", stating that it might be more specific and clearer. In relation to that same issue, several delegations suggested including a specific time frame of seven days to provide legal certainty.

54. With regard to draft regulation 18, on rights and exclusivity under an exploitation contract, one regional group supported the inclusion of the new text. In relation to the proposed alternative to the original title, several delegations expressed their preference for the original title, while others expressed flexibility as to the alternative titles. Some delegations also welcomed the amendments aimed at refining the text and suggested avoiding repetitions and unnecessary wording. Some delegations expressed concern about the insertion of the phrase "holding a contract with the Authority", as there seemed to be broad consensus that no one could undertake exploitation operations in the Area without a contract with the Authority. Some delegations and an observer expressed concern about the current language of paragraph 7 and the relationship between exploration and exploitation in the contract area. One delegation raised the question of the overlap of the two regimes and encouraged the other delegations to focus more on that issue.

55. With regard to draft regulation 18 bis, on obligations of the contractors, one regional group suggested including a general obligation for the contractor to comply with the best relevant practices and listing the obligations. It also suggested specifying that compensation for damages should not be all damages but damages for activities carried out outside the scope, and to move paragraph 4 in a more suitable place. Several delegations welcomed the new proposals and further discussion in respect of effective control. One delegation suggested to suspend the revision of the draft regulation until a full definition of effective control was in place and when it was clear which companies could enter into contracts with the Authority.

56. Draft regulation 19, on joint arrangements, was welcomed by one delegation, as it was a direct reference of article 11 of annex III to the Convention. The same delegation raised the questions of how to deal with the issue of joint arrangements between the Enterprise and other contractors and of how the idea of the sponsoring State was to be captured. One observer suggested to delete the draft regulation as the provision was already included in the Convention.

57. Several delegations welcomed the amendments aimed at refining the text of draft regulation 20, on term of exploitation contracts. One delegation suggested amending the title by including the word "renewal", as the regulation was proposed to also include that aspect. One regional group and many delegations preferred the original wording in relation to the reference to the time frame of 30 years instead of the suggested 50 years deadline for developing States, to avoid having several timelines and to comply with the non-discrimination principle among contractors. In relation to the deadline for the application for a renewal of a contract in paragraph 2, several delegations suggested a deadline of two years instead of one year, as originally proposed. One delegation also suggested that the revision of a plan of work

should be considered as a material change for the purpose of draft regulation 37, on training plan.

58. In the morning of 11 November 2022, one regional group and one delegation welcomed the changes to draft regulation 21, on termination of sponsorship, underscored the preference for the alternative texts provided and pointed out some overlaps between subparagraphs. One delegation and one observer proposed amending the title, suggesting as an alternative “Requirements for and termination of sponsorship”, saying that this was more in line with the content of the regulation. With regard to paragraph 4, one delegation encouraged the proponent of the inclusion of the wording “deprived of any rights” to explain the need for such inclusion.

59. With regard to draft regulation 22, on use of exploitation contract as security, many delegations welcomed the amendments and proposals inserted, and one delegation stated that the current drafting was very “solid”. One delegation stressed the need to insert “with the prior consent” in paragraph 1, as this was an important element for sponsoring States. One delegation suggested including the reference to the standards and guidelines.

60. With regard to draft regulation 23, on transfer of rights and obligations under an exploitation contract, two delegations expressed concern about and opposed the reference to the partial transfer of rights. Some delegations expressed concern about the content of paragraph 2, as consent of the Authority was required under the 1994 Agreement. In addition, some delegations suggested deleting “notification to sponsoring States”, saying that it was not sufficient. The same delegations therefore preferred to retain the original text and could not accept the proposed text in paragraphs 2 and 2 alt. One regional group introduced its proposals on the taxation of direct and indirect transfers of rights, which, among other things, included new proposed regulations 23 bis and 23 ter. The regional group suggested the inclusion of the payment of taxes on a transfer of rights and that the contractor pay the taxes due on the transfer before being able to transfer licences. One delegation suggested clarifying that the transfer did not restart the time frame of the contract.

61. With regard to draft regulation 24, on change of control, several delegations stated that it was an important regulation that needed focus, including in the context of discussions on effective control. Several delegations and an observer expressed their preference for alternative 1 in paragraph 1. One delegation suggested the deletion of the added text in paragraph 2, while other delegations made proposals to refine the wording. With regard to paragraph 2, some delegation also suggested that the contractor not only notify the Secretary-General but also the sponsoring State and that the Secretary-General transmit the information to the Legal and Technical Commission.

62. The participants then continued with the reading of section 2, on matters relating to production, including draft regulation 25, on documents to be submitted prior to production. One regional group and one delegation suggested deleting the suggested paragraph 3 bis relating to a renewal of a contract, as it seemed misplaced to them in a section that concerned documents to be provided prior to production.

63. With regard to regulation 26, on environmental performance guarantee, several views were expressed. One regional group suggested that the environmental performance guarantee be renamed “decommissioning bond”, to make a clear distinction between the environmental performance guarantee and the environmental compensation fund. For the same reason, the regional group could not support the newly proposed paragraphs 2 (a) bis and 2 (a) ter. One delegation suggested changing the timing, so that the guarantee would be presented before the start of any activities.

64. With regard to draft regulation 27, on commencement of production, several delegations supported the new language, saying that transparency was vital. One delegation stated that it would revert in relation to the description of coastal States. Several delegations stated that the text was close to achieving the intent of the regulation. One delegation reminded the Council that the date when production began should be indicated in the schedule.

65. Concerning draft regulation 28, on maintaining commercial production, some delegations and observers expressed concern about updated language in paragraph 1 and sought clarification from the proponents as to the rationale for the proposed changes. Some delegations suggested to keep the original wording of paragraph 1.

66. Few editorial comments were made on draft regulation 29, on reduction or suspension in production due to market conditions. Some delegations and observers stated that they could not accept the proposed alternative 1 and that the original wording should be maintained.

67. Some delegations provided general comments on the role and responsibilities of the Secretary-General as laid out in sections 1 and 2, and it was suggested to replace the reference to the Commission in several places. As a general comment, several delegations and observers also commented that several of the reviewed draft regulations must be aligned with the outcome of the workshop on effective control.

68. Participants moved on to the reading of section 3, on safety of life and property at sea. With regard to draft regulation 30, on safety, labour and health standards, one delegation stated that it was content with the additional language included. One observer suggested applying international standards, including standards already adopted by the International Labour Organization and the International Maritime Organization.

69. The President informed the delegations and observers that textual proposals must be submitted by 15 January 2023. An updated compilation would be provided before the meeting in March 2023, and the reading would resume at that meeting from draft regulation 31, on reasonable regard for other activities in the marine environment.

Annex II

Road map for the twenty-eighth session of the Council of the International Seabed Authority in 2023

1. The following road map has been prepared by the President of the Council and endorsed by the Council for the organization of its discussions in 2023 on the draft regulations on exploitation of mineral resources in the Area and on the associated standards and guidelines. The road map takes into account the progress made in the implementation of the road map for work on the draft regulations in 2022 (ISBA/26/C/13/Add.1, annex) and the discussions on that matter held by the Council in November 2022, and it includes a tentative time allocation during the meetings of the Council scheduled for 2023.¹

2. The Council is currently working on the draft regulations in a format of informal meetings,² organized in the following manner:³

(a) Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract under article 13, paragraph 1, of annex III to the United Nations Convention on the Law of the Sea and section 8 of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, chaired by Olav Myklebust (Norway);

(b) Informal Working Group on the Protection and Preservation of the Marine Environment, facilitated by Raijeli Taga (Fiji);

(c) Informal Working Group on Inspection, Compliance and Enforcement, facilitated by Maureen Tamuro (Nigeria);

(d) Informal Working Group on Institutional Matters (including the role and responsibilities of the various organs of the Authority, timelines and recourse to independent expertise and stakeholder participation), facilitated by Gina Guillén-Grillo (Costa Rica) and Constanza Figueroa (Chile);

(e) Council, plenary meetings⁴ on regulations not allocated to informal working groups, facilitated by the President of the Council, Tomasz Abramowski.

3. The facilitator of each informal working group presents an oral report in plenary at the end of each meeting of the Council. For the purposes of the road map for 2023, it is assumed that the aforementioned modalities will be continued and that the allocation of time to each informal working group and to the Council as a whole at each meeting will reflect the work still to be completed by the working groups, including any work required on relevant standards and guidelines. Once an informal working group completes its work, more time will be allocated to the remaining working groups. To enable delegations to organize themselves efficiently, an indicative schedule of work will be issued at least one month before each meeting, indicating the precise dates when each informal working group is expected to convene.

¹ The dates indicated are those scheduled for the meetings of the International Seabed Authority in 2023 and agreed with the Department for General Assembly and Conference Management, taking into account the schedule of law of the sea-related meetings and the calendar of conferences of the United Nations.

² See ISBA/27/C/21.

³ See ISBA/24/C/8/Add.1, annex II, and ISBA/26/C/11.

⁴ See ISBA/27/C/21.

<i>Organ</i>	<i>Date</i>	<i>Working methods</i>	<i>Tentative agenda</i>
Council (intersessional work between delegations as required)			
The deadline for submission of comments on facilitators' texts is 15 January 2023. Revised texts to be issued as soon as possible thereafter.			
<i>First part (March 2023)</i>			
Legal and Technical Commission	7–15 March 2023 (7 days)		
Council	16–31 March 2023 (12 days)	<ul style="list-style-type: none"> • Formal meetings (2 days) 	Standing items and items on the agenda requiring decisions by the Council, including decisions on the Enterprise and Economic Planning Commission
		<ul style="list-style-type: none"> (a) Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract (2 days) (b) Informal Working Group on the Protection and Preservation of the Marine Environment (3 days) (c) Informal Working Group on Inspection, Compliance and Enforcement (1.5 days) (d) Informal Working Group on Institutional Matters (2 days) (e) Council, in plenary (1.5 days) <ul style="list-style-type: none"> • Review of progress and agreement on intersessional work 	<ul style="list-style-type: none"> (a) To continue its work on the basis of progress made at the Council's meeting in October/November 2022 (b) To continue its work on the basis of progress made at the Council's meeting in October/November 2022 (c) To continue its work on the basis of progress made at the Council's meeting in October/November 2022 (d) To continue its work on the basis of progress made at the Council's meeting in October/November 2022 (e) To continue its work on the basis of progress made at the Council's meeting in October/November 2022
Council (intersessional work between delegations as required)			

<i>Organ</i>	<i>Date</i>	<i>Working methods</i>	<i>Tentative agenda</i>
<i>Second part (July 2023)</i>			
Legal and Technical Commission	28 June–7 July 2023 (8 days)		
Finance Committee	5–7 July 2023 (3 days)		
Council	10–21 July 2023 (10 days)	<ul style="list-style-type: none"> • Formal meetings (2 days) • Informal meetings of working groups and of the Council in plenary (subject to progress made by each group during the first part of the twenty-eighth session) 	Precise agenda to be agreed on the basis of progress made at the Council's meeting in March 2023
		(a) Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract (2 days)	
		(b) Informal Working Group on the Protection and Preservation of the Marine Environment (1.5 days)	
		(c) Informal Working Group on Inspection, Compliance and Enforcement (1 day)	
		(d) Informal Working Group on Institutional Matters (2 days)	
		(e) Council, in plenary (1.5 days)	
		• Plenary: review of progress and adoption of regulations in the event that they are ready for adoption	
Assembly	24–28 July 2023 (5 days)		

<i>Organ</i>	<i>Date</i>	<i>Working methods</i>	<i>Tentative agenda</i>
Council	30 October–8 November 2023 (8 days)	<i>Third part (October/November 2023)</i>	To be determined on the basis of progress made previously



Council

Distr.: General
6 May 2022

Original: English

Twenty-seventh session

Council session, part II
Kingston, 18–29 July 2022
Agenda item 13

Report of the Secretary-General concerning the operationalization of the Economic Planning Commission

Operationalization of the Economic Planning Commission

Report of the Secretary-General

I. Introduction

1. In its decision [ISBA/26/C/57](#) of 10 December 2021, the Council of the International Seabed Authority requested the secretariat to prepare a report concerning the operationalization of the Economic Planning Commission, including its financial implications.

II. Economic Planning Commission

2. The Economic Planning Commission is a subsidiary organ of the Council. The relevant provisions concerning the Commission are found in articles 151, 163 and 164 of the United Nations Convention on the Law of the Sea and in sections 1 and 7 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. These provisions address the establishment, membership and functions of the Commission.

3. Like the Legal and Technical Commission, the Economic Planning Commission is composed of 15 members, elected by the Council from among the candidates nominated by the States parties. However, if necessary, the Council may decide to increase the membership of the Economic Planning Commission giving due regard to economy and efficiency. States parties are to nominate candidates of the highest standards of competence and integrity with qualifications in the domain of competence of the Commission. Members of the Commission must have appropriate qualifications such as those relevant to mining, management of mineral resource activities, international trade or international economics. The Council must endeavour to ensure that the membership of the Commission reflects all appropriate qualifications.¹

¹ United Nations Convention on the Law of the Sea, art. 164, para. 1.



4. The substantive functions of the Economic Planning Commission are set out in article 164, paragraph 2, of the Convention. The 1994 Agreement contains several important modifications to the Commission's functions and the early performance thereof.

5. First, it is provided that the functions of the Economic Planning Commission are to be carried out by the Legal and Technical Commission until such time as the Council decides otherwise, or until the approval of the first plan of work for exploitation.

6. Second, the implementation of article 151, paragraph 10, of the Convention, is further qualified in section 7 of the annex to the 1994 Agreement, which serves to define the policy of the Authority in relation to assisting developing countries that suffer serious adverse effects on their export earnings or economies and the principles on which the policy is based. The principles include the provision of assistance under article 151, paragraph 10, through an economic assistance fund created from a portion of the Authority's funds exceeding those necessary to cover its administrative expenses of the Authority. The amount set aside for this purpose is to be determined by the Council upon recommendation of the Finance Committee. Only funds from payments received from contractors, including the Enterprise, and voluntary contributions are to be credited to the fund.² All related provisions of the Convention, including article 164, paragraph 2, on the original functions of the Economic and Planning Commission, are to be interpreted accordingly.

III. Work of the Legal and Technical Commission in performing the functions of the Economic Planning Commission

7. As required in the 1994 Agreement, the Legal and Technical Commission has to date performed the functions of the Economic Planning Commission. Thus, at its twenty-sixth session, the Legal and Technical Commission took note of a study of the potential impact of polymetallic nodule production from the Area on the economies of the developing land-based producers of metals that were likely to be the most seriously affected.³ Recognizing the importance of the matter and bearing in mind the possible commencement of seabed mining in the foreseeable future, the Commission made several recommendations to the Council, including that the Council consider continuing to address the substantive issues identified in the study.

8. The Legal and Technical Commission also recommended that the Council consider initiating a process for establishing an economic assistance fund in accordance with the 1994 Agreement. To manage the fund, the Economic Planning Commission will need to set the criteria for access to the fund on the basis of a country's ability to demonstrate how it has been adversely affected by deep seabed mining owing to a decrease in the price or export volume of a mineral. The Commission will also determine on a case-by-case basis the amount, level and time frame of assistance that countries are to be granted from the fund.

9. In addition, the Legal and Technical Commission recommended that the Council consider whether the Economic Planning Commission should be operational before the approval of the first plan of work for exploitation, so as to be in a position to consider and study, in a structured and systematic way, the impacts on developing land-based producer States. In that regard, one of the tasks on which the Authority is to concentrate before the approval of a plan of work for exploitation is the study of

² Regulation 5.8 of the Financial Regulations of the International Seabed Authority ([ISBA/6/A/3](#), annex).

³ [ISBA/26/C/12](#), para. 17, and [ISBA/26/C/12/Add.1](#), paras. 17–19.

the potential impact of mineral production from the Area on the economies of developing land-based producers of those minerals that are likely to be most seriously affected, with a view to minimizing their difficulties and assisting them in their economic adjustment, taking into account the work already done by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea.⁴

10. Furthermore, the Economic Planning Commission is to review the trends of and factors affecting the supply, demand and prices of minerals that may be derived from the Area, bearing in mind the interests of both importing and exporting countries, and in particular of the developing States among them.⁵

IV. Establishment of the Economic Planning Commission and financial implications

11. If the Council were to decide to establish the Economic Planning Commission, it would be necessary to hold an election for that purpose. Considering the need to provide ample opportunity for all States parties to nominate candidates for election, it is assumed that the earliest such an election could be held would be in 2023. It is noted that, in electing members of the Commission, due account must be taken of the need for equitable geographical representation and the representation of special interests. In addition, article 164, paragraph 1, of the Convention requires that the Commission include at least two members from developing States whose exports of the categories of minerals to be derived from the Area have a substantial bearing upon their economies.

12. Members of the Economic Planning Commission are to be elected for a term of five years. The Council may wish to consider synchronizing the terms of office of members of the Commission with those of other organs and bodies of the Authority to commence on 1 January 2024. Therefore, if the Commission were to be elected by the Council in 2023, and subject to the pattern of meetings of the Authority, the Commission could begin to meet in 2024.

13. The first item of business of the Economic Planning Commission, before it could commence its substantive work, would be to formulate and submit its rules of procedure to the Council for approval. In that regard, it is noted that the Preparatory Commission prepared final draft rules of procedure for the Economic Planning Commission. As with the rules of procedure of other organs of the Authority, while these would need to be modified to bring them into conformity with the provisions of the 1994 Agreement, they would serve as a basis for initial consideration by the Commission.⁶ Thus, the Commission would need to develop its workplan for the first five years of its operations. A list of possible items for consideration by the Commission in the first five years based on article 164, paragraph 2, of the Convention, as modified by the Agreement, and taking into account the work of the Preparatory Commission, is annexed to the present report.

14. The establishment of the Economic Planning Commission would have financial implications for the budget of the Authority. It would be necessary to allocate sufficient resources to service its meetings, prepare documentation and provide interpretation services. The cost of servicing a one-week meeting of the Commission

⁴ 1994 Agreement relating to the Implementation of Part XI of United Nations Convention on the Law of the Sea of 10 December 1982, annex, sect. 1, para. 5 (e).

⁵ Convention, art. 164, para. (2) (b), and 1994 Agreement, annex, sect. 1, para. 5 (d).

⁶ See the final draft rules of procedure of the Economic Planning Commission (LOS/PCN/WP.36/Rev.2) as contained in document [LOS/PCN/WP.52/Add.3](#).

at the early stage of functioning is estimated at \$85,000. This figure may increase once the Commission begins its substantive work and requires more documentation, staff and meeting time and, thus, a greater allocation of resources. However, this is not expected until 2025 or 2026.

V. Recommendation

15. The Council is invited to take note of the present report and to provide such guidance as may be necessary.

Annex

Indicative five-year workplan of the Economic Planning Commission (2024–2028)

<i>Activities</i>	<i>References</i>
Preparation of draft rules of procedure of the Economic Planning Commission based on the final draft rules of procedure prepared by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea	<ul style="list-style-type: none"> • Article 163, paragraph 10, of the United Nations Convention on the Law of the Sea • Final draft rules of procedure of the Economic Planning Commission prepared by the Preparatory Commission
Development of five-year workplan	<ul style="list-style-type: none"> • Article 164 of the Convention • 1994 Agreement relating to the Implementation of Part XI of United Nations Convention on the Law of the Sea of 10 December 1982, annex, sections 1 and 7 • Work of the Preparatory Commission and work of the Legal and Technical Commission
Study of the potential impact of mineral production from the Area on the economies of developing land-based producers of those minerals that are likely to be most seriously affected, with a view to minimizing their difficulties and assisting them in their economic adjustment, taking into account the work done in this regard by the Preparatory Commission	<ul style="list-style-type: none"> • 1994 Agreement, annex, section 1, paragraph 5 (e), and section 7 • Work of the Preparatory Commission and of the Legal and Technical Commission in performing the functions of the Economic Planning Commission
Study of the limitations affecting the ability of developing land-based producer States to eliminate the effects of seabed mineral production on their export earnings or economies and to control those effects to identify long-term remedial measures that take into account the elimination of those limitations	<ul style="list-style-type: none"> • 1994 Agreement, annex, section 1, paragraph 5 (e), and section 7 • Work of the Preparatory Commission and of the Legal and Technical Commission in performing the functions of the Economic Planning Commission
Review of the trends and factors affecting the supply, demand and prices of minerals that are derived from the Area	<ul style="list-style-type: none"> • Article 164, paragraph 2 (b), of the Convention • 1994 Agreement, annex, section 1, paragraph 5 (d)
Initiate a process for establishing an economic assistance fund, addressing issues such as the governance of the fund and the criteria for granting countries access to the fund and for determining, on a case-by-case basis, the amount, level and time frame of assistance to be granted	<ul style="list-style-type: none"> • 1994 Agreement, annex, section 7 • Work of the Preparatory Commission and of the Legal and Technical Commission in performing the functions of the Economic Planning Commission
Make recommendations on cooperation with existing global or regional development institutions with infrastructure and expertise to carry out assistance programmes	<ul style="list-style-type: none"> • 1994 Agreement, annex, section 7



Council

Distr.: General
12 May 2022

Original: English

Twenty-seventh session

Council session, part II
Kingston, 18–29 July 2022
Agenda item 12

Report of the Secretary-General on the implementation of the decision of the Council in 2021 relating to the reports of the Chair of the Legal and Technical Commission

Implementation of the decision of the Council in 2021 relating to the reports of the Chair of the Legal and Technical Commission

Report of the Secretary-General

I. Background

1. At its 274th meeting, on 10 December 2021, the Council of the International Seabed Authority adopted a decision relating to the reports of the Chair of the Legal and Technical Commission ([ISBA/26/C/57](#)). In paragraph 24 of the decision, the Council requested that the Secretary-General report to it on the implementation of the decision at its twenty-seventh session and that such annual reporting remain on the agenda of the Council as a standing item. The present report has been prepared accordingly and provides an update on the implementation of the decision of the Council as at 11 May 2022.
2. Section II of the present report provides an update on the work in progress concerning the draft regulations on exploitation of mineral resources in the Area and their associated standards and guidelines (*ibid.*, paras. 3–7).
3. Section III deals with the activities of contractors (*ibid.*, paras. 8–14).
4. Section IV is devoted to the status of regional environmental management plans (*ibid.*, para. 17).
5. Section V provides an update on the implementation of the data management strategy of the Authority.
6. Section VI addresses the request to the Secretary-General to report on how confidentiality can be assured with regard to the work of the Commission in a virtual format (*ibid.*, para. 22).



7. The Secretary-General will submit a separate report on the operationalization of the Economic Planning Commission (*ibid.*, paras. 15 and 16). With respect to the Special Representative of the Secretary-General for the Enterprise (*ibid.*, para. 19), his mandate has been extended until the end of the twenty-seventh session, subject to the availability of funds. A report on the status of the voluntary trust fund for the participation of members of the Council from developing States will be submitted to the Finance Committee.

II. Draft regulations on exploitation of mineral resources in the Area and associated standards and guidelines

8. In response to the request in paragraph 6 of the Council decision, the secretariat prepared a regulation-by-regulation collation of textual proposals presented by member States, observers and stakeholders that had been received by 15 October 2019 for the first part of the twenty-seventh session, in March 2022.

9. The progress made by the Council during the first part of the twenty-seventh session is outlined in the related statement by the President of the Council (ISBA/27/C/21). Since then, a total of 250 post-session submissions have been received from members and observers and posted on the Authority's website. They comprise 133 submissions for the informal working group on the protection and preservation of the marine environment, 56 for the informal working group on inspection, compliance and enforcement and 61 for the informal working group on institutional matters. The working group facilitators are preparing their respective texts for the meetings of the Council in July.

10. The Facilitator of the informal working group on the protection and preservation of the marine environment will host a webinar on the environmental compensation fund on 21 June 2022. A technical study on the environmental compensation fund has been published by the secretariat (ISA Technical Study No. 27).

III. Activities of contractors

11. The Legal and Technical Commission continues to provide individual feedback to contractors on their annual reports. Annual reports for 2021 were due to be submitted by 31 March 2022 and will be reviewed by the Commission at its meetings in July 2022. The feedback contains recommendations on improving sampling methodologies and reporting, including reporting of environmental studies, monitoring and baseline data collection. The secretariat continues to review the responses of contractors to facilitate continuous improvement.

12. The Secretary-General, through the Compliance Assurance and Regulatory Management Unit of the secretariat, continues to engage with individual contractors on matters raised by the Commission. This activity includes communicating the findings of the Commission to each contractor and, where appropriate, holding meetings with it to review such feedback. Five bilateral meetings have been held between April and May 2022.

13. Standardized templates for providing public information on the plans of work for exploration of contractors have been made available on the Authority's website. In 2022, contractors will be requested to review the information that they have provided using those templates in order to update them with the most recent five-year programme of activities. The Secretary-General continues to pursue dialogue with contractors that have not yet submitted template-based information on their plans of work, namely, JSC Yuzhmorgeologiya, the Government of the Russian Federation (in

respect of the contracts for exploration for polymetallic sulphides and for cobalt-rich ferromanganese crusts) and Beijing Pioneer Hi-Tech Development Corporation.

14. In paragraph 11 of decision [ISBA/26/C/57](#), the Council requested the Secretary-General to report to it annually, identifying instances of alleged non-compliance and the regulatory action recommended or to be taken in accordance with the United Nations Convention on the Law of the Sea, the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 and the regulations on prospecting and exploration, including any monetary penalties to be imposed by the Council. As at 10 May 2022, the Secretary-General had not identified any instances of alleged non-compliance.

15. With respect to the implementation of training programmes, 27 training placements were awarded to candidates from developing States between December 2021 and April 2022 (see [ISBA/27/LTC/5](#)).

16. In relation to paragraph 14 of the same decision, in March 2022, the Commission considered the request of the Council to review the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area, as contained in documents [ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#). The Commission agreed to set up a working group to make progress on this matter in July 2022.

IV. Developments regarding regional environmental management plans

17. In March 2022, the 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, prepared by a working group of the Commission. The Commission decided to continue to work on the draft plan on the basis of the comments and suggestions discussed at its meetings in March. On 14 April, the Commission endorsed the revised draft plan under its silence procedure. As decided by the Commission during the first part of the session, the draft plan was released on 19 April for stakeholder consultation for a period of 45 days. The Commission will consider the stakeholders' comments during the second part of the session, in July 2022.

18. The Commission continued its work on drafting a recommendation for a standardized approach and a general template for the development and review of regional environmental management plans in line with Council decision [ISBA/26/C/10](#). The general template, including indicative elements, will be based on the work of the Commission in developing an outline for the draft regional environmental management plan for the area of the northern Mid-Atlantic Ridge, taking into consideration relevant comments to be received through the stakeholder consultation, as well as the observations of some States on those matters. The Commission will continue its work in July 2022.

V. Data management strategy

19. In paragraph 18 of its decision [ISBA/26/C/57](#), the Council welcomed the progress made by the secretariat towards the implementation of the data management strategy of the Authority, including public access to non-confidential data.

20. On 30 September, the Commission endorsed updated reporting templates for the reporting of geological and environmental data and metadata for the purpose of

annual reports by contractors, and annex IV to document [ISBA/21/LTC/15](#) was amended accordingly. The updated templates have been circulated to contractors to be used for the submission of annual reports in 2022. The secretariat has developed a plan for a series of in-person and virtual data review seminars to work directly with each contractor to address key data issues identified and train them on how to use the updated templates effectively. The first data review seminar will be held on 13 May 2022.

21. The secretariat has initiated the process of converting the updated reporting templates into online forms. This shift from traditional spreadsheets will allow for faster data set creation. The new web-based forms will also improve efficiency with the inclusion of additional quality assurance and quality control measures.

22. The secretariat continues its collaboration with the International Hydrographic Organization and developed an initiative entitled “AREA2030” that is aimed at the compilation of the bathymetric data collected by contractors with the Authority in the Area. The secretariat will also contribute data to the activities of the International Hydrographic Organization for progressing seabed mapping compilations during the United Nations Decade of Ocean Science for Sustainable Development. The data compiled under the AREA2030 initiative will represent a significant share of new bathymetric data for the current Seabed 2030 project of the General Bathymetric Chart of the Ocean and the Nippon Foundation. The secretariat will launch its AREA2030 initiative during the forthcoming World Oceans Day, on 8 June 2022.

23. The secretariat continues the scientific work and interpretation from its DeepData database, with the assistance of experts from developing countries, under the Africa Deep Seabed Resources project. Projects involve the analysis of environmental data and the compilation and analysis of mining technology and metallurgical processing developments.

VI. Measures to ensure the confidentiality of virtual meetings of the Legal and Technical Commission

24. In response to the request of the Council in paragraph 22 of its decision [ISBA/26/C/57](#), the following measures are followed to ensure the confidentiality of the virtual meetings of the Commission. All working papers and documents are uploaded to a secure website accessible only to members of the Commission and authorized staff of the secretariat assisting the Commission in its work. The website is protected by a firewall and requires a two-step authentication process, which can be monitored.

25. Meetings are held using the Interprefy platform for simultaneous interpretation. This also requires a two-factor authentication by all users, including secretariat staff, members of the Commission and interpreters. Interpreters and supporting staff from the service provider are required to sign non-disclosure agreements prior to the meetings of the Commission.

VII. Recommendations

26. The Council is invited to take note of the present report and to provide such guidance as may be necessary.



Council

Distr.: General
11 July 2022

Original: English

Twenty-seventh session

Council session, part II
Kingston, 18–29 July 2022
Agenda item 14

Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-seventh session

Report on the relinquishment of 75 per cent of the area allocated to the China Ocean Mineral Resources Research and Development Association (COMRA) under the contract for exploration for polymetallic sulphides between COMRA and the International Seabed Authority

Note by the secretariat

1. The contract for exploration for polymetallic sulphides between the China Ocean Mineral Resources Research and Development Association (COMRA, the contractor) and the International Seabed Authority was signed on 18 November 2011. The area under the contract covers 10,000 km².
2. Pursuant to the schedule for fulfilling relinquishment obligations, as set out in regulation 27 (2) (a) and (b) of the regulations on prospecting and exploration for polymetallic sulphides in the Area ([ISBA/16/A/12/Rev.1](#), annex), the contractor must have relinquished at least 50 per cent of the original area allocated to it by the end of the eighth year from the date of the contract and at least 75 per cent by the end of the tenth year.
3. In accordance with the regulations, on 26 March 2020, COMRA submitted to the secretariat a report on the 50 per cent relinquishment of the allocated area under the exploration contract for polymetallic sulphides, including a list of relinquished cells and maps of the relinquished area. The Council of the Authority, acting on the recommendations of the Legal and Technical Commission, noted that the contractor had fulfilled the first part of the schedule of relinquishment obligations pursuant to regulation 27 (2) (a).¹ The relinquished area reverted to the Area.
4. Pursuant to regulation 27 (2) (b), COMRA was required to relinquish at least 75 per cent of its allocated area by 18 November 2021. In a letter dated 27 December 2021, COMRA submitted to the Secretary-General of the Authority a report on the

¹ [ISBA/26/C/13/Add.1](#), para. 5; and [ISBA/26/C/24](#).



relinquishment of 75 per cent of the area under the original contract for exploration for polymetallic sulphides, with cartographic material that included shapefiles of relinquished and remaining cells and an overview map of the remaining exploration areas.

5. During the second part of its twenty-seventh session, held from 4 to 15 July 2022, on the basis of the technical review carried out by the secretariat, the Legal and Technical Commission noted that the contractor had complied with its relinquishment obligations pursuant to the applicable regulations and the recommendations for the guidance of contractors on the relinquishment of areas under exploration contracts for polymetallic sulphides or cobalt-rich ferromanganese crusts ([ISBA/25/LTC/8](#)).

6. The total original area, the maps of which are available at <https://bit.ly/3Ie8i20>, consists of 100 blocks, with each block consisting of 100 cells and each cell measuring 1 km x 1 km. After the two relinquishments, a total of 7,500 cells, comprising an area of 7,500 km², were relinquished from 10,000 cells. The remaining area under exploration covers 2,500 km².

7. The relinquished area has reverted to the Area.

8. The Council is invited to take note of the present note.



Council

Distr.: General
11 July 2022

Original: English

Twenty-seventh session

Council session, part II
Kingston, 18–29 July 2022
Agenda item 14

Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-seventh session

Report on the relinquishment of one third of the area allocated to the China Ocean Mineral Resources Research and Development Association (COMRA) under the contract for exploration for cobalt-rich ferromanganese crusts between COMRA and the International Seabed Authority

Note by the secretariat

1. The contract for exploration for cobalt-rich ferromanganese crusts between the China Ocean Mineral Resources Research and Development Association (COMRA, the contractor) and the International Seabed Authority was signed on 29 April 2014. The area under the contract covers 3,000 km².
2. Pursuant to the schedule for fulfilling relinquishment obligations, as set out in regulation 27 (1) of the regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area (ISBA/18/A/11, annex), by the end of the eighth year from the date of the contract, the contractor must have relinquished at least one third of the original area allocated to it.
3. Accordingly, COMRA was required to relinquish at least one third of its allocated area by 29 April 2022. On 8 May 2022, COMRA submitted to the Secretary-General of the Authority cartographic material that included shapefiles of relinquished and remaining cells and an overview map of the remaining exploration areas.
4. During the second part of its twenty-seventh session, held from 4 to 15 July 2022, on the basis of the technical review carried out by the secretariat, the Legal and Technical Commission noted that the contractor had complied with its relinquishment obligations pursuant to the applicable regulations and the recommendations for the guidance of contractors on the relinquishment of areas under exploration contracts for polymetallic sulphides or cobalt-rich ferromanganese crusts (ISBA/25/LTC/8).
5. The total original area, the maps of which are available at <https://bit.ly/3P3TODY>, consists of 150 blocks, with each block consisting of 16 cells and each cell measuring



approximately 1.12 km x 1.12 km. The number of relinquished cells per cluster varies from 45 to 368. A total of 803 cells, comprising an area of 1,000 km², were relinquished from 150 blocks within four clusters. The remaining area under exploration covers 2,000 km².

6. The relinquished area has reverted to the Area.
7. The Council is invited to take note of the present note.



Council

Distr.: General
11 July 2022

Original: English

Twenty-seventh session

Council session, part II
Kingston, 18–29 July 2022
Agenda item 18

Report on 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 keeping with the mandate of the Special Representative of the Secretary-General of the International Seabed Authority for the Enterprise and provides details on the activities of the Special Representative during the reporting period. It also refers to the previous report of the Special Representative, presented to the Council during the first part of its twenty-seventh session, which provides a brief description of managerial policy and administrative options for the administration of the Enterprise, as well as of administrative functions of the interim director general during the period July 2022–December 2023.¹

2. The report is in response to the decision of the Council of 10 December 2021 relating to the reports of the Chair of the Legal and Technical Commission, in which it is indicated that the mandate of the Special Representative should be extended until the end of the twenty-seventh session.²

3. The Special Representative recognizes that further consultations on this matter will be held by the Council during the second part of its twenty-seventh session.

II. Activities undertaken by the Special Representative

A. Participation in meetings of the Council during the first part of the twenty-seventh session

4. The Special Representative participated in the general deliberations of the meetings of the Council, as well as its continued consideration of the draft regulations on the exploitation of mineral resources in the Area ([ISBA/25/C/WP.1](#)), and made

¹ [ISBA/27/C/14](#) and [ISBA/27/C/14/Corr.1](#).

² See [ISBA/26/C/57](#), para. 19.



proposals on amendments to the text of the draft regulations. The Special Representative contributed to the discussions on the report of the Chair of the Legal and Technical Commission on the work of the Commission during the first part of its twenty-seventh session.³

B. Meetings of working groups and informal working groups established by the Council

5. The Special Representative participated in the work of the following working groups:

(a) Open-ended working group in respect of the development and negotiation of the financial terms of a contract under article 13, paragraph 1, of annex III to the United Nations Convention on the Law of the Sea and section 8 of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea;

(b) Informal working group on the protection and preservation of the marine environment;

(c) Informal working group on inspection, compliance and enforcement;

(d) Informal working group on institutional matters.

C. Other activities

6. In order to provide additional clarification on the issues raised by a few delegations on matters addressed in his report to the Council during the first part of its twenty-seventh session, the Special Representative met with heads of regional groups, as well as individual delegations, on the margins of the first part of the twenty-seventh session and during the intersessional period.

7. The Special Representative also met with officials representing contractors and other entities, at their request, concerning matters contained in his report to the Council related to the appointment of an interim director general and the step-by-step approach on the operationalization of the Enterprise, inter alia, in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea and the 1994 Agreement.

8. At the invitation of Nauru Ocean Resources Inc., the Special Representative took part in a webinar on the development of its offshore engineering programme on 21 June 2022.

9. The Special Representative also accepted an invitation to speak at a virtual seminar organized by Volterra Fietta, a law firm based in the United Kingdom of Great Britain and Northern Ireland, on the topic of fair and equitable deep seabed mining and sharing deep seabed mining's financial and other benefits on 16 June 2022.

10. In addition, the Special Representative is involved in a capacity-building programme being developed by the secretariat of the Authority in keeping with its strategic plan and high-level action plan for the period 2019–2023. The e-learning platform is entitled “Deep dive”. The Special Representative contributed a lesson on the Enterprise to module 1 on the Convention and the governance of the Area.

³ [ISBA/27/C/16](#).

III. Future action required

11. Accordingly, the Special Representative wishes to reiterate comments made in his report to the Council at the first part of its 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 is realized through the appointment of an interim director general.
 12. 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 1994 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 1994 Agreement.
 13. The Council is invited to take note of the present report.
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Council

Distr.: General
10 August 2022

Original: English

Twenty-seventh session

Council session, part II
Kingston, 18–29 July 2022
Agenda item 14

Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-seventh session

Guidance to facilitate the development of regional environmental management plans

Report and recommendations by the Legal and Technical Commission

I. Introduction

1. The present guidance has been developed to provide a standardized approach for the development, approval and review of regional environmental management plans in the Area, including a template with indicative elements, as requested by the Council of the International Seabed Authority in its decision [ISBA/26/C/10](#). The present document contains:

(a) An overview of progress in the development and implementation of regional environmental management plans;

(b) A standardized procedure for the development, approval and review of regional environmental management plans (see annex), drawing upon the proposed procedure contained in [ISBA/26/C/6](#) and existing practices of the Authority;

(c) A general template for regional environmental management plans (see appendix), including indicative elements, as discussed by the Legal and Technical Commission during the first part of the present session, held from 14 to 18 March 2022, drawing upon the proposed template contained in the annex to document [ISBA/26/C/7](#) as well as the structure of the environmental management plan for the Clarion-Clipperton Zone ([ISBA/17/LTC/7](#)).

2. Regional environmental management plans are essential tools for ensuring the effective protection of the marine environment, in accordance with article 145 of the United Nations Convention on the Law of the Sea. This is reflected in the strategic plan of the Authority for the period 2019–2023 ([ISBA/24/A/10](#), annex) and its high-level action plan ([ISBA/25/A/15](#), annex II, and [ISBA/25/A/15/Corr.1](#)), as adopted by the Assembly.



3. During the first part of the twenty-sixth session, the Council considered two submissions on regional environmental management plans by Germany and the Netherlands, with the co-sponsorship of Costa Rica, namely:

(a) Procedure for the development, approval and review of regional environmental management plans (ISBA/26/C/6);

(b) Proposal for a template with minimum requirements for regional environmental management plans: a proposal for a standardized approach (ISBA/26/C/7).

4. In February 2020, the Council adopted a decision concerning a standardized approach for the development, approval and review of regional environmental management plans in the Area (ISBA/26/C/10). In that decision, the Council requested the Commission, in consultation with the Finance Committee, if necessary, to further develop the “Guidance to facilitate the development of regional environmental management plans”,¹ in accordance with the Convention and the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, as well as the rules, regulations and procedures of the Authority, and taking into account, as appropriate, the two submissions mentioned above with a view to recommending to the Council a standardized approach, including a template with indicative elements.

II. Process of developing and implementing regional environmental management plans in the Area

A. Development and review of the environmental management plan for the Clarion-Clipperton Zone

5. Pursuant to the mandate of the Authority under article 145 of the Convention, the Council, at its eighteenth session, in 2012, approved in its decision ISBA/18/C/22 an environmental management plan for the Clarion-Clipperton Zone on the basis of the recommendation of the Commission (see ISBA/17/LTC/7, ISBA/17/C/19 and ISBA/18/C/20).

6. In the decision, the Council requested the Commission to report to it on the implementation of the environmental management plan and decided that the plan would be applied in a flexible manner so that it could be improved as more scientific, technical and environmental baseline and resource assessment data were supplied by contractors and other interested bodies. It also requested the Commission to make recommendations, where appropriate, to the Council relating to the network of areas of particular environmental interest, on the basis of the results of workshops.

7. In line with the request of the Council and relevant provisions in the environmental management plan for the Clarion-Clipperton Zone, the Commission reviewed progress in the implementation of the environmental management plan in 2016 and 2021.² On the basis of the recommendation of the Commission, the Council, in 2021, adopted a decision relating to the review of the plan (see ISBA/26/C/58). That decision included the establishment of four additional areas of particular environmental interest to further enhance the effectiveness of the network of such areas, drawing upon the outcomes of the expert workshop held from 1 to 4 October 2019, in Friday Harbor, United States of America.

¹ Prepared by the secretariat and available at: www.isa.org.jm/files/files/documents/rempguidance_.pdf

² See ISBA/22/LTC/12 and ISBA/26/C/43.

B. Development of regional environmental management plans in other priority areas

8. Although the basis for the Council's decision to establish regional environmental management plans stems from the powers and functions of the Council under the Convention, the plans are not themselves legal instruments, but rather instruments of environmental policy.

9. The purpose of a regional environmental management plan is to set in place conservation and management measures and tools across the region in the Area to ensure the effective protection of the marine environment from harmful effects that may arise from activities in the Area, in accordance with article 145 of the Convention and the strategic plan of the Authority. To this end, such a plan establishes principles, goals and objectives and identifies area-based and other management measures, as well as an implementation strategy.

10. In March 2018, the Council took note of a preliminary strategy proposed by the Secretary-General for the development of regional environmental management plans for key parts of the Area where there were contracts for exploration (see [ISBA/24/C/3](#)). The Council agreed with the priority areas that had been identified on a preliminary basis as the Mid-Atlantic Ridge, the Indian Ocean triple junction ridge and nodule-bearing province, as well as the North-West Pacific and South Atlantic Oceans for seamounts. The strategy was later reflected in the Authority's strategic plan and its high-level action plan for the period 2019–2023.

11. The Council also considered it essential that the regional environmental management plans be developed in a transparent manner, following a coherent and coordinated approach, under the auspices of the Authority, in the light of its jurisdiction under the Convention and the Agreement (see [ISBA/24/C/8](#)). In addition, the Council encouraged the following efforts in the development of such plans:

- (a) Support the expansion of strategic partnerships by the secretariat with relevant organizations and researchers;
- (b) Encourage further outreach and consultation with the relevant stakeholders;
- (c) Have sufficient scientific basis;
- (d) Encourage broad participation in the programme of workshops as a whole.

12. In its decision relating to the reports of the Chair of the Legal and Technical Commission ([ISBA/25/C/37](#)) adopted at the twenty-fifth session, the Council encouraged the secretariat and the Commission to make progress in the development of environmental management plans in other zones in the Area, in particular where there were exploration contracts. The Council also took note of a report of the Secretary-General on the implementation of the strategy for the development of regional environmental management plans for the Area ([ISBA/25/C/13](#)), including a programme of work to support the Commission in developing those plans through a series of workshops (see [ISBA/25/C/17](#), para. 7).

13. In line with the approach outlined in the strategy and the programme of work since 2018, seven expert workshops have been convened by the Authority in collaboration with various partner organizations to support the development of regional environmental management plans in priority areas (see the table below). A total of 368 participants from 45 countries participated in the expert workshops, including 150 participants from developing countries.

Regional environmental management plan workshops convened and planned by the International Seabed Authority for the period 2018–2023

	2018	2019	2020	2021	2022	2023
Clarion-Clipperton Zone		Friday Harbor, United States of America				
Mid-Atlantic Ridge	Szczecin, Poland	Evora, Portugal	Virtual workshop			
Indian Ocean			Virtual workshop (preliminary discussion)			Chennai, India
North-West Pacific Ocean	Qingdao, China		Virtual workshop			Tokyo

14. From the Clarion-Clipperton Zone to other regions, the process for the development of regional environmental management plans has evolved over time and has included the following steps:

(a) **Initiation of the development of regional environmental management plans in priority areas, in line with the decision of the Council;**

(b) **Compilation and synthesis of available environmental data and information.** This initial step was carried out for the Clarion-Clipperton Zone (in its recent review) and for the northern Mid-Atlantic Ridge, in collaboration with such existing scientific initiatives as the DeepCCZ Project and the Atlantic regional environmental management plan project, respectively. Where such regional-scale research projects do not exist, the secretariat facilitated contributions from contractors and scientific experts in the collation of relevant environmental data and information in the area concerned. The data and information are summarized in a regional environmental assessment and a data report for each region, both of which are made available on Authority's website;

(c) **Scientific assessment.** This step is undertaken through a series of expert workshops aimed at developing proposals for the effective protection and management of the region covered by the proposed regional environmental management plan. Workshops were organized by the Authority in collaboration with various Member States and partner organizations to develop such plans. The workshops were chaired by members of the Commission, with organizational support from the secretariat. In the case of the northern Mid-Atlantic Ridge, the practices and plans for developing regional environmental management plans included two workshops, which brought together a wide range of expertise. The first workshop facilitated the exchange of information and perspectives relating to plan development. The second workshop was focused on the review of the scientific information and data that had been compiled, and the development of scientific methods and approaches for applying conservation and environmental management measures. The development of regional environmental management plans for the North-West Pacific and Indian oceans included an initial workshop, which in each case facilitated the exchange of information and perspectives relating to plan development. For the North-West Pacific, this was followed by a second workshop focusing on scientific aspects relating to plan development. A similar workshop is planned for the Indian Ocean;

(d) **Managerial and policy assessment.** In the case of the northern Mid-Atlantic Ridge, a third and final workshop brought together experts in various disciplines, including environmental management, law and policy, to discuss potential

conservation and environmental management measures. Similar expert workshops will be held for the development of regional environmental management plans for the North-west Pacific and Indian oceans;

(e) **Development of draft regional environmental management plan documents by the Commission.** Drawing upon the outcomes of the expert workshops on the development of the regional environmental management plan for the northern Mid-Atlantic Ridge, the Commission set up a working group to draft the document for a new plan, with assistance from the secretariat. The Commission approved the draft plan for the northern Mid-Atlantic Ridge in plenary for release for stakeholder consultation;

(f) **Stakeholder consultation.** The secretariat published the draft regional environmental management plan for the northern Mid-Atlantic Ridge on the Authority's website for stakeholder consultation for a period of 45 days. All comments were published and reviewed by the Commission;

(g) **Formulation of recommendations by the Commission.** In the case of the draft regional environmental management plan for the northern Mid-Atlantic Ridge, the Commission revised the draft plan, taking into consideration the outcomes of the stakeholder consultation, and formulated its recommendations to the Council;

(h) **Decision by the Council.**

15. The main constraints in the development of regional environmental management plans are the availability of: (a) environmental data for evidence-based environmental management planning; and (b) budgetary resources to support both short- and long-term data compilation and standardization, research and monitoring efforts needed to support the development, implementation and review of the plans. The process outlined above capitalizes upon the strategic partnerships developed between the Authority and member States and scientific and other organizations in a cost-effective manner for the Authority. Such a process also provides for the collation of scientific knowledge and expert opinions, as well as opportunities to discuss and develop the plans with a broad range of experts and stakeholders, including from developing countries. An open dialogue has been encouraged between scientific experts, contractors and other stakeholders and the Authority.

16. The process undertaken by the Commission is fully compatible with its mandate under article 165 of the Convention, which includes preparing environmental assessments of the environmental implications of activities in the Area and making recommendations on the protection of the marine environment, taking into account the views of recognized experts in that field, as well as, under paragraph 13, article 163, namely, to consult with other competent organs of the United Nations or of its specialized agencies or any international organization with competence in the subject matter of such consultation.

17. On the basis of those experiences, the Commission developed a draft standardized procedure for the development, approval and review of regional environmental management plans, with a view to establishing the roles for the various stakeholders and ensuring, as far as possible, that the process to develop such plans was underpinned by up-to-date scientific information.

III. Recommendations

18. The Commission recommends that the Council consider, with a view to adopting, the standardized procedure for the development, approval and review of regional environmental management plans, including the general template for the development of the plans, as contained in the annex.

Annex

Standardized procedure for the development, approval and review of regional environmental management plans

I. Introduction

1. Regional environmental management plans should contribute to fulfilling the mandate of the International Seabed Authority to ensure the effective protection of the marine environment from harmful effects that may arise from activities in the Area, in accordance with article 145 of the United Nations Convention on the Law of the Sea and the strategic plan of the Authority for the period 2019–2023.

2. In broad terms, regional environmental management plans are designed to:

(a) Provide the relevant organs of the Authority, as well as contractors and their sponsoring States, with environmental management measures and tools, including area-based management tools, to support informed decision-making that balances resource development with the protection of the marine environment at a regional scale;

(b) Provide the Authority with a clear and consistent mechanism to identify particular areas considered to be: (a) representative of the full range of habitats, biodiversity, sensitive ecosystems and biological communities within the management area; and/or (b) important for the maintenance of ecosystem structure and function;

(c) Provide those areas with appropriate levels of protection.

3. The process outlined below takes into consideration the functions of the Legal and Technical Commission of the International Seabed Authority in relation to environmental matters. Notably, the Commission is empowered, under the Convention, to make recommendations to the Council of the Authority on the protection of the marine environment, taking into account the views of recognized experts in that field (art. 165, para. 2 (e)) and, in the exercise of its functions, the Commission may consult with, inter alia, any international organizations with competence in the subject matter of such consultation (art. 163, para. 13). In addition, the Commission is also responsible aimed at keeping under review the rules, regulations and procedures on activities in the Area and for recommending to the Council from time to time such amendments thereto as it may deem necessary or desirable (art. 165, para. 2 (g)).

II. Initiation of the regional environmental management plan development procedure

4. A regional environmental management plan shall be developed by the Authority for each region that has activities in the Area.

5. The Council is responsible for defining a strategy for the development of regional environmental management plans for all mineral provinces in the Area where exploration is taking place, and the identification of priority areas. The Council may then request the Commission to undertake or initiate the development of those plans.

6. It is envisaged that a regional environmental management plan should be in place before any exploitation contracts are signed.

III. Development of a regional environmental management plan

A. Workplan for regional environmental management plans

7. The Commission should prepare a workplan for the development of each new regional environmental management plan. The workplan will identify the main tasks to be undertaken by the Commission and the secretariat and the competencies of any external experts to assist with the process, and will set out an indicative timeline.

B. Defining the geographical scope of a regional environmental management plan

8. Defining the spatial extent of regional environmental management plans in the Area is a fundamental step in the plan development process. The location and size can generally be defined by taking into account the following:

(a) *Geological features*. These may define a contiguous area or gradient (e.g. a spreading ridge region) or may need to include clusters of discontinuous areas (e.g., separate seamount areas);

(b) *Biogeographical areas*. These use information on the biogeographic distribution of characteristic species and considers: (i) areas of similar habitat coverage; (ii) self-sustaining populations; and (iii) a broad range of habitats;

(c) *Oceanographic setting*. The water masses, currents and tidal regime of the region indicate areas of similar environmental characteristics.

C. Compilation of available data and information

9. The Commission, with assistance from the secretariat, should facilitate the compilation, analysis and synthesis of available data and information, including:

(a) Contractor data and information submitted to the Authority that pertain to the region and are not deemed confidential, in accordance with the rules, regulations and procedures of the Authority;

(b) Data and information, in particular from scientific projects, initiatives in the region, peer-reviewed articles and publicly accessible databases;

(c) Traditional knowledge of indigenous peoples;

(d) Information on human remains or archaeological or cultural objects;

(e) Any other information relevant to the indicative elements for the regional environmental management plan.

10. Such data and information will be disseminated through the regional environmental assessment and data report. Both documents will be made available on the Authority's website. The Commission, with assistance from the secretariat, may identify the most cost-effective way to develop the reports, based on the data and information available in the DeepData database, existing scientific coverage and the number of experts working in the area. The Commission's experience to date is that contracting a team of experts can be an efficient and cost-effective way of producing the regional environmental assessment. Nevertheless, the best way to compile the baseline data needs to be assessed on a case-by-case basis. The outputs of such an exercise are comprehensive review documents to support workshop deliberations.

D. Scientific assessment

11. One or more workshops may be convened to bring together experts. Such workshops, organized by the secretariat in collaboration with the Commission, will be focused on scientific synthesis and description as well as the development of tools

and approaches for the effective protection and management of the area covered by the proposed regional environmental management plan. The workshops will include the following objectives:

- (a) Define the appropriate regional environmental management plan area, drawing upon information on the geology, biogeography and oceanography of the region;
- (b) Review and analyse benthic and pelagic ecosystem data;
- (c) Synthesize environmental data, including faunal distribution, dispersal capabilities and distances; genetic connectivity; patterns of biodiversity; community structure; ecosystem function; and ecological proxy variables;
- (d) Describe current exploration activity within contract areas;
- (e) Undertake an assessment of cumulative impacts;
- (f) Provide descriptions of potential areas that could be protected from exploitation in order to achieve the effective protection of the marine environment, including through the identification and description of different categories of area-based management tools, such as areas of particular environmental interest, as well as potential sites and areas in need of protection within the region;
- (g) Identify potential non-spatial management measures or options.

E. Policy assessment

12. The results of the science-focused workshops will provide inputs for additional, policy-oriented expert workshop(s) focused on management measures and implementation strategies and aimed at translating the scientific proposals into management options. Such workshop(s) should include a diverse range of expertise and stakeholders, in particular those with expertise in technology, conservation planning, environmental management and monitoring, and should also include the participation of relevant international and regional organizations. The Commission, with assistance from the secretariat, will decide if more than one workshop is needed, based on the status of the regional environmental management plan development and subject to the availability of resources.

13. The policy-oriented expert workshops will focus on identifying:

- (a) Management goals and objectives at a regional scale;
- (b) Area-based and other types of management measures to achieve the goals and objectives;
- (c) Priorities for research and environmental monitoring at the regional scale to address the knowledge gaps identified;
- (d) Implementation strategies, including collaboration and cooperation.

14. The output of the expert workshops can be included under the various headings identified in the general template for the regional environmental management plan (see appendix).

F. First draft of the regional environmental management plan

15. The Commission, with assistance from the secretariat, will prepare the draft regional environmental management plan, following the general template laid out in the appendix, including a list of indicative elements. The draft will be released for stakeholder consultation.

G. Stakeholder consultation

16. The secretariat will make the draft regional environmental management plan available for stakeholder comment for a minimum of 45 days by placing the document on the website of the Authority. The secretariat shall on the website publish any responses received as part of such consultation.

H. Recommendations by the Legal and Technical Commission

17. After the closure of the consultation period, i.e. a minimum of 45 days, the Commission should, at its subsequent regular meeting, consider the draft regional environmental management plan, taking into account the comments received during the stakeholder consultation and any further information from the secretariat.

18. The Commission may either recommend that the Council adopt the regional environmental management plan or decide to undertake further work to develop or verify its contents.

I. Establishment of the regional environmental management plan

19. On the basis of a recommendation by the Commission, the Council will approve the establishment of the regional environmental management plan or request the Commission to make specific revisions to the plan and/or undertake further work in developing or verifying its contents, for consideration at the following meeting of the Council.

IV. Review of the implementation of a regional environmental management plan

20. Each regional environmental management plan should be reviewed five years, at the latest, after its establishment by the Council, or earlier if requested by the Council.

21. The Commission, with support from the secretariat, shall initiate a review of the implementation of the regional environmental management plan by engaging external experts. The review of the plan should include a revision of the regional environmental assessment and the data report, incorporating any significant new available scientific data from contractors and other stakeholders. The assessment and the data report should be made publicly accessible by the secretariat. If appropriate, an expert workshop should be organized, the plan reassessed and proposals for changes reported to the Commission. Further stakeholder consultation may be considered. After its review, the Commission shall report its findings to the Council and provide recommendations for the plan. The report should be made publicly accessible by the secretariat.

Appendix

General template for the development of regional environmental management plans

Background

1. The following elements were taken into consideration during the development of the present general template: the structure of the environmental management plan for the Clarion-Clipperton Zone ([ISBA/17/LTC/7](#)), the experience of the recent development of the environmental management plans for the northern Mid-Atlantic Ridge and the North-West Pacific and the proposed template for the plans submitted to the Council of the International Seabed Authority by the delegations of Germany and the Netherlands, with the co-sponsorship of Costa Rica ([ISBA/26/C/7](#), annex).

2. In comparison with the template provided in the annex to document [ISBA/26/C/7](#), some subheadings were regrouped and merged, such as those related to environmental baseline information and management measures. The change provides greater flexibility and avoids the repetition of detailed environmental information compiled through technical reports.

3. Some headings and subheadings were not included, such as those relating to guidance on impact and preservation reference zones, the designation of mining areas within contract areas, measures for capacity-building, training and technology transfer,³ communication and public information strategy and measures to incentivize marine scientific research, through international cooperation (see [ISBA/26/A/4](#)). It was considered that such guidance or measures were being or would be better pursued through separate processes and initiatives.

General template

I. Introduction and background

Introduction to the legal framework and background on the International Seabed Authority process in support of the development of regional environmental management plans and the potential of such plans to contribute to other global processes.

II. Guiding principles

General principles that could be applied to guide the development of regional environmental management plans.

III. Overarching goals

Outline of the high-level goals to be achieved through the development and implementation of regional environmental management plans.

It is likely that the first three sections will be similar for all plans and will refer to the strategic goals of the Authority.

³ See strategic plan of the Authority for the period 2019–2023 ([ISBA/24/A/10](#)), specifically Strategic direction 5 (Build capacity for developing States and Strategic direction 6 (Ensure fully integrated participation by developing States).

IV. Purpose of the regional environmental management plan

Explanation of the purpose of developing regional environmental management plans.

V. Geographical scope of the regional environmental management plan

This section should include information on the geographical scope of the area covered under the regional environmental management plan.

VI. Environmental and geological setting and exploration areas

This section should include a summary of the information compiled in the regional environmental assessment and the data report, without repeating detailed information already presented in those background reports.

VII. Region-specific goals and operational objectives

This section should outline the regional-specific goals and operational objectives at the regional scale and the scale of contract areas.

VIII. Management measures

This section should include subsections on area-based management tools and other management measures. The first subsection is focused on the different categories of area-based management tools as well as management measures to be applied to individual categories of such tools. The second subsection is focused on other measures, including non-spatial measures, to be applied at the regional scale and the scale of contract areas.

IX. Knowledge gaps and research priorities: implementation strategy

This section should provide information about the priorities for future monitoring and research to support the implementation of the regional environmental management plan and address knowledge gaps. These include priorities for monitoring and research at both the regional and the contract-area scale.

X. Review of the progress in the implementation of the regional environmental management plan

This section should include information on how progress in the implementation of the regional environmental management plan should be reviewed.



Council

Distr.: General
17 August 2022

Original: English

Twenty-seventh session

Council session, part II

Kingston, 18–29 July 2022

Agenda item 14

Report of the Chair of the Legal and Technical Commission on the work of the Commission during the twenty-seventh session

Regional environmental management plan for the Area of the northern Mid-Atlantic Ridge with a focus on polymetallic sulphide deposits

Issued by the Legal and Technical Commission

I. Introduction and background

1. In accordance with the United Nations Convention on the Law of the Sea and the 1994 Agreement relating to the implementation of part XI of the Convention, the International Seabed Authority is the organization through which the States parties to the Convention administer the mineral resources of the International Seabed Area and promote, control and organize current exploration and future mining activities for the benefit of humankind as a whole. At the core of the mandate of the Seabed Authority lies also its duty to take all necessary measures to ensure effective protection of the marine environment from harmful effects that may arise from activities in the Area. Pursuant to article 145 of the Convention, the Authority is required to adopt appropriate rules, regulations and procedures for, inter alia, the prevention, reduction and control of pollution and other hazards to the marine environment, the protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment.
2. To that end, pursuant to article 165 of the Convention, the Legal and Technical Commission of the Authority is responsible for making recommendations to the Council on the protection of the marine environment, with respect to relevant rules, regulations and procedures, as well as a monitoring programme on the risks and impacts on the marine environment resulting from activities in the Area. In addition, the Commission is responsible for keeping under review the rules, regulations and procedures on activities in the Area.
3. Three sets of exploration regulations have been adopted by the Authority on prospecting and exploration for polymetallic nodules, polymetallic sulphides and



cobalt-rich ferromanganese crusts,¹ which are supplemented by a series of recommendations issued by the Commission.² Draft regulations on exploitation of mineral resources in the Area are presently under consideration by the Council and will be supplemented by a set of standards and guidelines to support their implementation.³

4. In pursuance of the mandate under article 145 of the Convention, the Council, at its seventeenth session held in 2012, approved, in its decision [ISBA/18/C/22](#), an environmental management plan for the Clarion-Clipperton Zone, on the basis of the recommendation of the Commission. Among other elements, the environmental management plan established objectives and priority actions at various levels, as well as a mechanism for review. In line with those provisions, the Commission reviewed progress in the implementation of the environmental management plan in 2016 and 2021 and identified further actions to advance the goals and objectives of the plan (see [ISBA/26/C/43](#)). On the basis of the recommendation of the Commission, the Council adopted in 2021 a decision relating to the review of the environmental management plan for the Zone, as contained in document [ISBA/26/C/58](#).

5. Building on the experience of the environmental management plan for the Clarion-Clipperton Zone and International Seabed Authority workshops held for other regions, the development of regional environmental management plans (REMPs) became an essential element of the strategic plan of the Authority for the period 2019-2023 adopted by the Assembly in 2018 ([ISBA/24/A/10](#)) and, subsequently, a central part of the high-level action plan adopted by the Assembly in 2019 ([ISBA/25/A/15](#), annex II). Strategic direction 3.2 of the strategic plan calls for efforts to “develop, implement and keep under review regional environmental assessments and management plans for all mineral provinces in the Area where exploration or exploitation is taking place to ensure sufficient protection of the marine environment as required by, inter alia, article 145 and part XII of the Convention”. Similarly, in 2020, the Assembly adopted the action plan of the Authority in support of the United Nations Decade of Ocean Science for Sustainable Development ([ISBA/26/A/4](#)), which identifies a number of expected outputs that highlight the role of scientific approaches to developing REMPs.

6. At its twenty-fourth session, in March 2018, the Council took note of a strategy proposed by the Secretary-General for the development of REMPs for key provinces in which exploration activities under contracts are carried out. The Council agreed with the priority areas that had been identified, including the Mid-Atlantic Ridge. The Council, at its twenty-fifth session, in 2019, took note of a report of the Secretary-General on the implementation of the strategy ([ISBA/25/C/13](#)), including a programme of work to develop the plans through a series of expert workshops.

7. To support the organization of the expert workshops, the secretariat prepared a guidance document to facilitate the development of REMPs. As requested by the Council in its decision [ISBA/26/C/10](#), the guidance document is being further developed by the Commission with a view to recommending to the Council a standardized approach for the development of REMPs, including a template with indicative elements. In the guidance document, it is recalled that both contractors and sponsoring States “undertake [...] to comply with [...] the decisions of relevant organs of the Authority”⁴ and reference is made, in that regard, to the decisions concerning REMPs.

8. As part of the implementation of this strategy, the Authority organized two expert workshops, in Szczecin, Poland in 2018 and Evora, Portugal in 2019, as well

¹ See [ISBA/16/A/12/Rev.1](#), [ISBA/18/A/11](#) and [ISBA/19/C/17](#).

² See <https://www.isa.org.jm/mining-code/recommendations>.

³ See <https://www.isa.org.jm/mining-code/standards-and-guidelines>.

⁴ See annex IV, section 13.2 (b) in each set of the Authority’s regulations on prospecting and exploration.

as a virtual expert workshop in 2020, in support of the development of a REMP by the Commission for the Area of the northern Mid-Atlantic Ridge.

9. The development and implementation of REMPs have become an integral part of the work of the Authority on the protection of the marine environment and have the potential to contribute to the effective conservation and management of marine biodiversity in areas beyond national jurisdiction. REMPs also have the potential to contribute to the achievement of Sustainable Development Goal 14 (Life below water) of the 2030 Agenda for Sustainable Development, namely, to conserve and sustainably use the oceans, seas and marine resources for sustainable development.

10. The present REMP contains references to measures that are applicable to the exploitation phase for which the draft regulations on exploitation of mineral resources in the Area are still under negotiation; those measures will therefore need to be aligned once the regulations have been adopted.

11. The REMP should be read in conjunction with the rules, regulations and procedures of the Authority relating to the protection of the marine environment referred to in paragraph 3 above, in particular, the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area ([ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#)) and applicable standards and guidelines for environmental impact assessments, the establishment of baseline data and the preparation of environmental management and monitoring plans.

II. Guiding principles and approaches

12. The development and implementation of REMPs are guided by the following overarching principles with respect to the activities in the Area:

(a) **Common heritage of mankind.** The Area and its resources are the common heritage of humankind. All rights to the resources of the Area are vested in humankind as a whole, on whose behalf the Authority shall act;

(b) **Precautionary approach.** In principle 15 of the Rio Declaration on Environment and Development, it is specified that where there are threats of serious or irreversible damage to the environment, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;

(c) **Transparency.** The Authority shall enable public participation in environmental decision-making procedures, in line with strategic direction 9 of the strategic plan of the Authority for the period 2019-2023 (see [ISBA/24/A/10](#));

(d) **Application of an ecosystem approach;**

(e) **Incorporation of the best available scientific evidence into decision-making processes.**

III. Overarching goals

13. REMPs in the Area are developed to achieve the following overarching goals:

(a) Sustainably manage the resources in the Area;

(b) Ensure the protection and preservation of the marine environment;

(c) Maintain regional biodiversity and ecosystem structure, function and processes across the REMP areas;

- (d) Enable the conservation of representative habitats and sensitive marine ecosystems;⁵
- (e) Ensure environmental sustainability and functionality during and after exploitation activities;
- (f) Ensure that activities are undertaken in an environmentally responsible manner in the Area;
- (g) Promote access to, and sharing of, data and information relating to the protection and preservation of the marine environment in the Area, including environmental baseline studies;
- (h) Facilitate cooperative research to better understand the marine environment to inform the implementation of the plan, including through the participation of developing States and multilateral exchange of views on environmental management issues;
- (i) Encourage cooperation among contractors, sponsoring States, competent international and regional organizations, the scientific community and other stakeholders in the Area;
- (j) Pay due regard to any human remains, archaeological or cultural objects as set out in article 149 and relevant Authority regulations;
- (k) Work with competent organizations to ensure that activities in the REMP areas are conducted with reasonable regard for other activities in the marine environment;
- (l) Pay due regard to traditional knowledge of indigenous peoples and local communities, as relevant to the implementation of REMPs.

IV. Purpose of the regional environmental management plan for the northern Mid-Atlantic Ridge

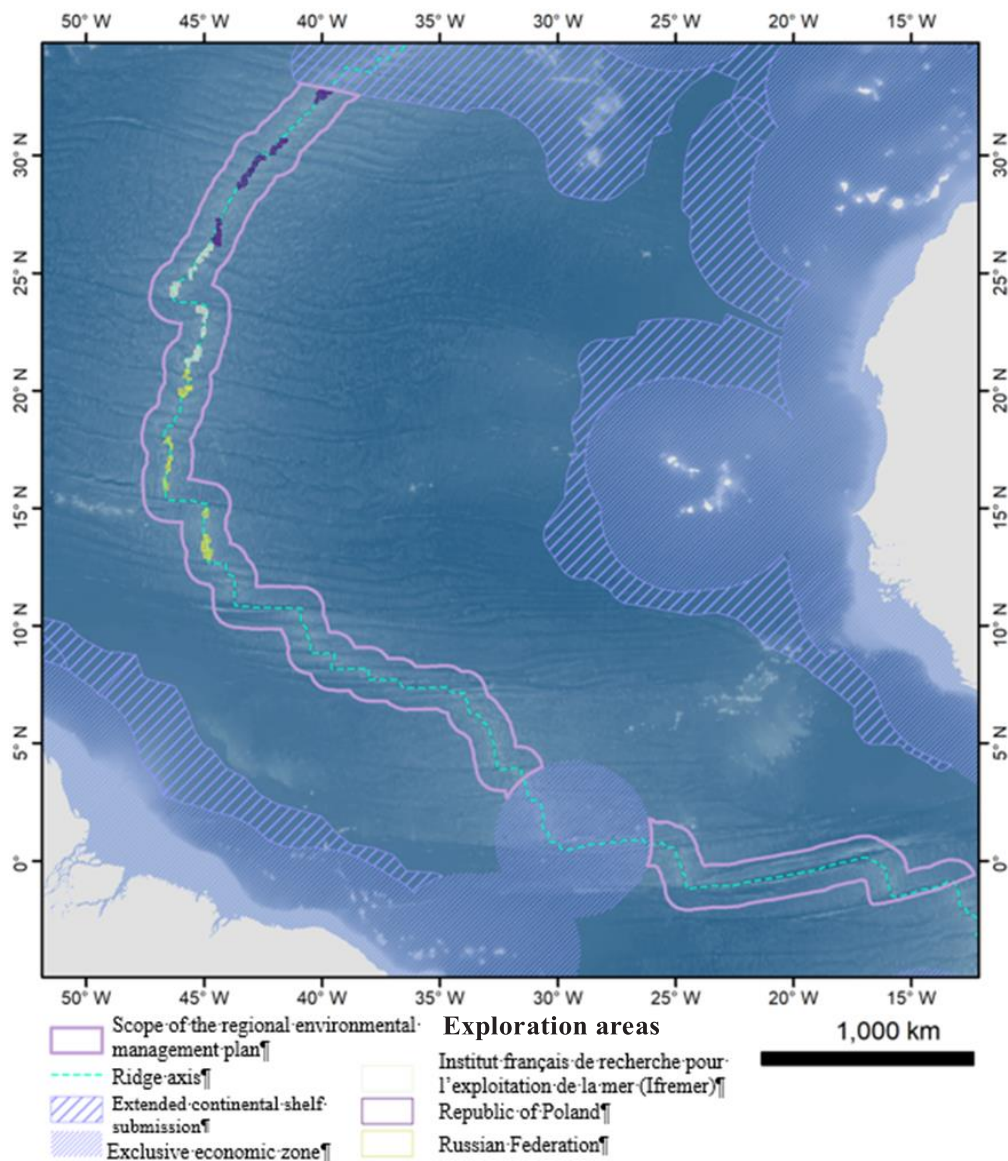
14. The purpose of the present REMP is to set in place conservation and management measures and tools across the region in the Area of the northern Mid-Atlantic Ridge to ensure the effective protection of the marine environment from harmful effects that may arise from activities in the Area, in accordance with article 145 of the Convention and the strategic plan of the Authority. To that end, the REMP establishes the principles, goals and objectives and identifies area-based and other management measures, as well as an implementation strategy. The REMP is an instrument of environmental policy.

V. Geographic scope of the regional environmental management plan

15. The Mid-Atlantic Ridge is an elevated area of seafloor that runs roughly north to south through the middle of the Atlantic Ocean. The REMP applies to the Area of the northern Mid-Atlantic Region. The geographical area covered under the plan extends 100 km on each side of the ridge axis to ensure a broad coverage of the ridge system, including its axis and ridge flanks. The geographical limits of the area covered under the REMP are shown in the figure below.

⁵ Sensitive ecosystems have a narrow range of environmental conditions with ecological characteristics that make them susceptible to impacts and major change owing to disturbance.

Figure
Geographic scope of the regional environmental management plan for the Area of the northern Mid-Atlantic Ridge



VI. Environmental and geological setting and the exploration areas for polymetallic sulphide deposits

16. Existing sets of scientific data and information on the geology, oceanography and biological communities of the Mid-Atlantic Ridge have been compiled and synthesized in the data report and regional environmental assessment⁶ as inputs to the preparation of the REMP. Drawing on those scientific compilations, the environmental characteristics of the Mid-Atlantic Ridge are summarized below.

⁶ See <https://www.isa.org.jm/event/workshop-regional-environmental-plan-area-northern-mid-atlantic-ridge#BckDocs>.

17. The Mid-Atlantic Ridge covers the rocky ridge and a wide range of geomorphological features. The ridge itself has an active spreading centre, with a pronounced central rift valley, while the flanks of the Mid-Atlantic Ridge comprise mainly (greater than 95 per cent) gentle slopes and discontinuous flat plains, which are largely sedimented. The flat plains are generally aligned parallel to the axis of the ridge. Steep (gradients greater than 5 per cent and mainly hard substrate) slopes comprise only about 5 per cent of the Mid-Atlantic Ridge area although in the context of a largely sedimented Atlantic Ocean basin, the Ridge provides a large proportion of hard substrata habitat.

18. The Mid-Atlantic Ridge is a slow-spreading ridge system. The ridge axis is displaced into numerous segments by fracture zones, which can offset the ridge by hundreds of metres to hundreds of kilometres. The combination of processes of magmatism with highly fractured oceanic crust in spreading centres along the Mid-Atlantic Ridge resulted in the formation of a series of hydrothermal vent sites;⁷ hydrothermal vent sites are also sourced from fluid-rock reactions that generate heat in the mantle-type rock of oceanic core complexes. The hydrothermal activity at those sites and the resulting precipitation of sulphide minerals have formed hard substrate sulphide-rich systems and, in some places, metal-rich sediments. Several active vents can be located within an active vent field. Within an active vent field, in some locations, sulphide-rich habitat remains hydrothermally active, while in other locations, hydrothermal activity has ceased rendering the vents hydrothermally inactive⁸ (inactive vent site). These vent field dynamics result in a diverse mosaic of habitat elements and landscape processes.

19. The large-scale circulation of the North Atlantic consists of largely wind-driven, surface-intensified gyre circulations interacting with a significant density-driven meridional overturning component in which warm surface water is drawn to high latitudes, where they are transformed and returned as dense, deep water. It is the open connection to the Nordic Seas and the Arctic that allows this strong overturning circulation, mediated by the relatively shallow ridge between Greenland and Scotland, which must be traversed by newly formed deep water.

20. The complex hydrographic setting around the Mid-Atlantic Ridge in general and the presence of the ridge itself lead to enhanced vertical mixing and turbulence, which results in areas of increased ocean productivity. The presence of the northern Mid-Atlantic Ridge disrupts the ocean circulation, creating regions of high biomass that may arise from topographic influences on water circulation, bathymetrically induced fronts, and upwelling nutrient-rich deep water. As a result of those factors, the Mid-Atlantic Ridge concentrates biomass over its flanks and summits, creating regions of high productivity.

21. Within the northern Mid-Atlantic Ridge REMP area, there are both bathyal and abyssal regions, as well as two recognized biogeographical provinces at bathyal depths with a biogeographic transition in the vicinity of the Romanche Fracture Zone. Multiple biogeographic regions also apply to the mesopelagic environment in the REMP area.

22. The pelagic environment exhibits large gradients in light, heat and availability of surface-derived food, all of which are, in general, negatively correlated with depth.

⁷ Vent site: Hydrothermal occurrence comprising (a group of) hydrothermally active or inactive vents that may cluster around a main structure, for example, a mound or volcano or along a fracture or fissure. Sites can be separated from another site by several tens to hundreds of metres of seafloor that may show some hydrothermal alteration, metalliferous sediments and small-scale structures (for example, talus fans and minor fault scarps).

⁸ Inactive: An inactive hydrothermal field does not exhibit fluid flow but may potentially become active again through geological changes.

However, compared with the adjacent abyssal and pelagic environments, the presence of the Mid-Atlantic Ridge has the effect of greatly concentrating biomass. The midwater environment hosts many different species and communities, including those living in mesopelagic or bathypelagic environments. The movement of currents around the ridge and strong diurnal vertical migration of plankton and nekton play an important role in connecting epipelagic and deeper ecosystems.

23. The benthic environment of the northern Mid-Atlantic Ridge is a complex patchwork of habitats spanning a depth range of thousands of metres and encompassing varied seabed geomorphological types. The diverse range of benthic habitats can be broadly grouped into four types: (a) hydrothermal hard substrata habitat (subdivided into hydrothermally active and inactive sulphide-rich habitat); (b) exposed non-sulphide hard substrate (such as basalt); (c) soft sediment (including from pelagic and hydrothermal sediment areas); and (d) the water column 50 m above the seafloor (benthopelagic). These deep-sea benthic habitats are dynamically connected over a range of spatial scales through dispersal processes and interactions with the pelagic ecosystem. Distinguishing between hydrothermally active and inactive sulphide habitats can be challenging, but it is essential because active and inactive habitats support very different biological communities, with different resilience and recovery potential.

24. In the northern Mid-Atlantic Ridge, more than 20 vent sites of polymetallic sulphides have been discovered to date. Distances between hydrothermal sites vary considerably, from 10 to more than 100 km. It has been estimated that all known sites represent 20 to 30 per cent of the predicted number of undiscovered sites. Further advancement in the resource assessment of the sulphide areas may result in the discovery of more vent sites.

25. The environmental setting of the Mid-Atlantic Ridge influences the development of the present REMP in a number of ways. The complex geomorphology and high heterogeneity of habitats make it challenging to identify a representative network of sites or areas that can capture the full range of biodiversity and environmental gradients across the region. Distinct habitats and communities, such as active hydrothermal vent systems, occur at a much finer spatial scale compared with abyssal plain and other deep-sea environments. As such, the goals, objectives and management measures developed under the REMP were designed to reflect those regional characteristics.

26. It should be noted that polymetallic sulphide deposits differ from polymetallic nodule and cobalt-rich ferromanganese crust deposits. This applies to the more complex geological and geomorphological setting and the presence of specific physicochemical conditions and biocenoses associated with hydrothermal vents, as well as to the limited surface extent of polymetallic sulphide deposits on the ocean floor. The surface area of known polymetallic sulphide deposits is measured at a scale of several hundreds of metres, although polymetallic sulphide deposits develop deep into the subsurface, reaching several hundreds of metres of thickness depending on the geodynamic setting and hydrothermal activity. In comparison, the surface area of cobalt-rich ferromanganese crust deposits is dozens of times larger and, in the case of polymetallic nodule deposits, hundreds to thousands of times larger. Owing to the large difference in surface extent of the different mineral deposits, it is likely that potential environmental impacts from exploiting such deposits will be on very different spatial and possibly also temporal scales.

27. As of July 2021, three contracts have been granted by the Authority for the exploration of polymetallic sulphides in the Area of the northern Mid-Atlantic Ridge. Several polymetallic sulphide vent sites are present within existing contract areas for exploration. One of the obligations of contractors is to relinquish parts of their

exploration area. At the end of the relinquishment process, the exploration area for each contractor shall not exceed 2,500 km². All relinquished areas revert to the Area.

VII. Region-specific goals and operational objectives

A. Region-specific goals

28. As noted in the Introduction and background section (paras, 5 and 6 above), and in line with the mandate of the Authority and the overarching goals described in paragraph 13 above, the REMP is aimed at achieving the following environmental goals at the regional scale for the northern Mid-Atlantic Ridge:

- (a) Prevent habitat loss and degradation to maintain ecosystem viability;
- (b) Maintain representative habitats and sensitive marine ecosystems;
- (c) Maintain connectivity amongst and between populations;
- (d) Maintain regional biodiversity and ecosystem structure, function and processes;
- (e) Maintain migratory corridors;
- (f) Maintain feeding and breeding grounds;
- (g) Consider the impact of climate change.

B. Operational objectives

1. Operational objectives for the area covered under the regional environmental management plan

29. As noted in the Introduction and background section (paras. 5 and 6), and in line with the mandate of the Authority, the following operational objectives apply to the geographical scope of the REMP (see figure above):

- (a) Determine the types and distribution of habitats, including through modelling, to assess representativity at the regional scale;
- (b) Determine patterns of connectivity between populations of species that are important for maintaining ecosystem function and processes by describing oceanographic circulation for water masses in the region;
- (c) Identify and designate, where appropriate, areas and sites in need of protection and establish a process for the review of such sites and areas;
- (d) Monitor and assess impacts from activities in the Area;
- (e) Identify and map corridors of migratory species such as marine mammals, turtles and seabirds;
- (f) Identify feeding and breeding grounds for species such as marine mammals, large nekton and seabirds;
- (g) Compile, analyse and synthesize data and information, in collaboration with contractors, the scientific community and competent international and regional organizations, regarding the benthic and pelagic ecosystems as well as food web and energy pathways, thereby enhancing the understanding of ecosystem structure and functioning at a regional level;
- (h) Understand and assess cumulative environmental impacts in the REMP area;

(i) Assess the distribution of habitats and model potential responses to impacts from climate change and human activities, which may inform the design of future area-based management tools⁹ to be established under the REMP;

(j) Establish a process for periodically assessing environmental baseline data for the region;

(k) Encourage the development of monitoring and mining technologies that can help to effectively address and minimize the potential environmental risks to the Mid-Atlantic Ridge systems that may be posed by the exploitation of polymetallic sulphides.

2. Operational objectives for contract areas

30. The following operational objectives are for the contract areas and their surroundings that may be affected by the activities with implications for the wider REMP area:

(a) Avoid harmful effects on vent sites with diverse and/or abundant biological communities, including vent communities in areas around a potential mine site;

(b) Avoid or minimize harmful effects on sensitive habitats¹⁰ and communities, including coral and/or sponge biogenic habitats in the contract areas and surrounding areas;

(c) Avoid or minimize harmful effects on important species for the maintenance of ecosystem functioning and integrity;

(d) Manage harmful effects on ecologically important sediment systems;

(e) Manage cumulative impacts from activities occurring in the contract areas.

VIII. Management measures

A. Overall consideration

31. It will be particularly important to ensure that the implementation of management measures is coordinated with the implementation of environmental baseline studies and monitoring programmes by contractors. Other exploration activities, including large-scale sampling, testing of mining components and test mining, require a prior environmental impact assessment, in accordance with the recommendations of the Commission ([ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#)). Management measures contained in the REMP should complement the implementation of the activities relating to environmental baseline studies and monitoring.

32. Contractors are encouraged to conduct environmental surveys outside their contract areas, in cooperation with the scientific community and, in particular, scientists from developing States.

33. The REMP does not include area-based management tools identified through the application of network criteria such as representativity and connectivity. It is noted that further work will be needed on the application of such criteria.

⁹ Area-based management tools are spatial instruments for conservation and for managing different forms of ocean use. A multitude of these tools exist in marine areas within and beyond national jurisdiction, ranging from tools for the regulation of specific human activities (e.g., fisheries, shipping or mining) to cross-sectoral tools such as marine-protected areas and marine spatial planning.

¹⁰ Habitats that exist within a narrow range of environmental conditions with ecological characteristics that make them susceptible to impacts and major change owing to disturbance.

34. It is also noted that criteria are needed for assessing the occurrence of sensitive ecosystem features in the application of the criteria for area-based management tools and for evaluating and controlling the impacts of mining activities. Those criteria and thresholds may need to be adaptive and will likely change as new data and information are collected on the impacts of mining activities and new knowledge on habitat and species responses becomes available.

35. Thresholds are needed for evaluating and controlling the impacts of mining activities, as such thresholds would be useful for consistent implementation of non-spatial management measures.

B. Area-based management tools

36. Three types of area-based management tools are considered under the REMP: areas in need of protection, sites in need of protection and sites and areas in need of precaution.

1. Areas in need of protection

37. Areas in need of protection are large-scale areas of ecological importance owing to their uniqueness and/or biodiversity. They are described using, in the context of the Authority, the scientific criteria outlined in annex IV to the present document.

38. Areas in need of protection are aimed at protecting regional-scale ecosystem features, which are important in terms of basin-scale water mass exchange, biogeographical zonation and transitions, connectivity and ecosystem function. Because of their large areal extent and up to abyssal depths, they may cover multiple biogeographical provinces, habitats and ecological gradients.

39. In these areas in need of protection, the following management measures will be applied:

- (a) They will be protected from direct or indirect impacts of the exploitation of mineral resources in the Area;
- (b) Each of them will be protected as an integrated system;
- (c) For the management of the areas in need of protection, where applicable, a zoning scheme should be developed, for example, a core zone of full protection to maintain the sustainability of biological populations; a buffer zone of sufficient size to protect the core zone from indirect effects; and possibly other zones. The zoning scheme should be in place before any exploitation activities in the areas in need of protection occur.

40. On the basis of the outcomes of the workshop held in Evora, Portugal,¹¹ the REMP identifies three areas in need of protection (Kane Fracture Zone, Vema Fracture Zone and Romanche Fracture Zone System), as listed in annex I.

2. Sites in need of protection

41. Sites in need of protection are fine-scale sites described on an individual basis, using the scientific criteria provided in annex IV. The identification of such sites is intended with a view to managing activities that would have harmful effects.

42. The management of sites in need of protection will be aimed at maintaining ecosystem and community integrity, for example, ecosystem structure and function and associated features from the direct and indirect impacts of exploitation of mineral resources.

¹¹ See https://isa.org.jm/files/files/documents/Evora%20Workshop_3.pdf.

43. The following management measures shall be applied to all sites in need of protection:

(a) The sites will be protected from the direct and indirect impacts of exploitation of mineral resources. Contractors operating in the vicinity of a site will be required to provide sufficient information and data to ensure that there will be no direct or indirect impacts on the sites, before any proposed exploitation activities can be approved;

(b) Zoning schemes will be developed for the sites, including, for example, a core zone of full protection; a buffer zone of sufficient size to protect the core zone from indirect effects; and possibly other zones in which activities compatible with the management purpose of the sites can be allowed. Buffer zones may be asymmetrical in extent, reflecting the contractors' activities, local oceanography and site geography;

(c) Contractors should delineate, following guidance from the Commission, the specific boundaries of these sites located within their respective contract areas, to a sufficient resolution and precision to allow for management measures as outlined in paragraph 42 above to be applied to protect the habitats, species and ecosystem function of each site;

(d) Contractors may prepare a clear description, through detailed mapping (including physical and biological features), of the different zones in terms of their areal extent, based on the goals and objectives of the REMP, including the identification of a set of different zones and the corresponding set of allowed and/or prohibited activities, which may vary between zones;

(e) Zonation schemes and boundaries should be reviewed by the Commission to ensure that the delineation is in line with the goals and objectives of the REMP. Due consideration will be given to the activities of the contractors. The design of the zoning schemes shall be proportionate to the risks imposed by the exploitation activities.

44. Information on newly discovered sensitive ecosystems and communities will be compiled and used for the future process of identifying sites in need of protection, as follows:

(a) Contractors shall report the discovery of new sensitive ecosystems and communities through their exploration activities, with supporting information including the spatial configuration of such ecosystems and communities, to the Authority as part of their annual reporting process. Such data will be made available through the DeepData database;

(b) In addition to contractors' exploration activities, new sensitive ecosystems and communities can also be discovered by the marine scientific community, which is encouraged to report such discoveries to the Authority so that the Commission may consider their status;

(c) The Commission will consider whether further discussion or appropriate actions would be needed, based on the information received, and will provide its recommendation to the Council at the first available opportunity, taking into account the schedule of meetings.

45. The REMP identifies 11 active vent ecosystems whose existence has been confirmed through direct observation as sites in need of protection.¹² The sites are located within the existing contract areas for exploration, as listed in annex II. They

¹² See the full description of the 11 sites as contained in appendix 1-1 to annex IX to the report on the workshop held in Evora, Portugal, available at https://www.isa.org.jm/files/files/documents/Evora%20Workshop_3.pdf.

represent the total number of vent ecosystems discovered to date. Each site in need of protection identified includes the whole vent ecosystem, which may include multiple vents (see annex II).

3. Sites and areas in need of precaution

46. Sites and areas in need of precaution are either fine-scale sites or large-scale areas that have been predicted to have features that may give the site or area important conservation value.

47. When scientific information from further research and direct observation becomes available to the Authority, the Commission will assess whether the site or area in need of precaution should be designated as a site or area in need of protection and make the recommendation to the Council at the first available opportunity, taking into account the schedule of meetings. Information provided by the scientific community and communicated to the Authority can be reviewed by the Commission to help assess whether the site or area in need of precaution should be classified as a site or area in need of protection. If the site or area is found not to meet the criteria for sites or areas in need of protection, its status as a site or area in need of precaution may be removed.

48. Contractors planning to undertake exploitation activities in the site or area in need of precaution are required to apply a precautionary approach and to report to the Authority discoveries of sensitive ecosystems and communities in order for the status of the site or area to be assessed by the Commission. Contractors shall not start exploitation activities until the status of the site or area in need of precaution is assessed by the Commission.

49. The REMP identifies 12 inferred active hydrothermal vent systems as sites in need of precaution, based on the detection of hydrothermal plumes in the water column but not linked to in situ observations associated with active vent sites, and areas of potential cold-water octocoral habitat, drawn from habitat suitability models, as areas in need of precaution, as listed in annex III. Additional sites and areas in need of precaution may be added to future versions of the REMP.

C. Non-spatial management actions

50. Other non-spatial management actions were identified during the expert workshops to complement the area-based management tools and to ensure sound environmental management of exploration and exploitation activities in a way that is consistent with the goals and objectives of the REMP.

1. At the scale of the area covered under the regional environmental management plan

51. The following non-spatial management actions will be applied by the Authority at the regional scale (see figure above for the geographical scope of the REMP):

- (a) Assessment of potential cumulative impacts in the REMP area;
- (b) Assessment of potential transboundary impacts in areas under the jurisdiction of coastal States;
- (c) Development of multiple thresholds based on scientific knowledge, which can enable timely detection of areas where impacts are approaching serious harm. The determination of the thresholds for what would be considered “serious harm” to marine ecosystems and their biodiversity will draw on existing frameworks and strategies and benefit from engagement with experts. Thresholds and monitoring protocols should be in place before any exploitation activities commence.

2. At the scale of contract areas

52. The REMP will apply the following non-spatial management actions at the scale of contract areas:

(a) In sites in need of protection, contractors will ensure the management of the mining plume to minimize adverse impacts on the vent communities;

(b) Contractors should monitor hydrothermal activity to watch for interruption or disruption to hydrothermal flows upon which vent communities rely and that may arise from exploitation activities;

(c) Contractors will monitor sensitive habitats, such as coral and sponge biogenic habitats, and significant communities of fauna within contract areas and their surroundings that may be affected by exploitation activities. Such habitats and communities should be targeted in the environmental management and monitoring plan;

(d) Contractors will actively manage the removal of any sediment overlying the mineral resources (overburden) and its deposition to avoid serious harm to the marine environment in areas surrounding the contract area;

(e) Contractors should control the release and dispersal of metals from exploitation activities beyond the contract areas. The dewatering plume (particles, contaminants and chemically altered water chemistry) should be discharged as close to the seafloor as practical, noting that release in midwater may have wider impacts beyond the contract areas;¹³

(f) Contractors should control the generation of underwater noise from surface vessels and riser pipe pumps, particularly in the sound fixing and ranging channel, and from mining equipment at the seabed, to avoid interference with pelagic fauna communications, particularly marine mammals;¹⁴

(g) Contractors should control the light from vessels to avoid the attraction of birds and fishes and disrupt their behaviour as long as it can be done safely;

(h) Contractors should prevent the introduction of invasive species from vessels and other parts of the production infrastructure;

(i) Contractors should apply temporal suspension of mining operations during significant biological events (for example, major spawning aggregations).

IX. Knowledge gaps and implementation strategy

53. In the context of implementing the REMP, the following priorities to address gaps in knowledge have been identified. The list can be amended to take account of new scientific evidence. A summary of the present section is provided in annex V.

A. Regional-scale research needed to enhance a comprehensive understanding of the regional environmental baseline and spatial and temporal variations

(a) **Bathymetry, geology and regional-scale high-resolution mapping.** Efforts should continue to collate data and information from different sources,

¹³ These points are considered to be relevant at the regional scale only if multiple sites within an area undergo exploitation activities at the same time.

¹⁴ International Maritime Organization Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life (2014); and Convention on Biological Diversity and Convention on Migratory Species resolution 12.14 (2017).

including the DeepData database, to develop regional-scale knowledge of morphology and geology, in order to provide a regional baseline and to guide future sampling efforts;

- The secretariat should continue discussions with contractors and competent international organizations to establish how such data already in the DeepData database and from other sources could be used to address this gap.

(b) **Oceanography.** Elucidating deep-water circulation through the ridge would provide an understanding of plume dispersion and patterns of species connectivity through larval transport. Temporal observations will also be important;

- The secretariat should continue to establish how such data already in the DeepData database and from other sources could be used to address this gap and encourage contractors to enhance sampling efforts and collaborate with each other and with the scientific community to establish regional patterns of ocean chemistry, currents and other oceanographic parameters throughout the water column.

(c) **Regional patterns of biodiversity.** Practical first steps at this scale may focus on basic ecological matrices and on a compilation of available regional data on taxa linked to spatial, temporal and environmental variables. Species distribution models at the regional scale should be developed for a range of taxa for which there is adequate information on distribution or abundance/biomass;

- The Commission, supported by the secretariat, should establish how such data already in the DeepData database and from other sources could be used to address this gap.

(d) **Population connectivity.** Initial monitoring and research efforts may focus on validating existing connectivity models. A standardized approach can be established using suitable indicator species for regional analyses of connectivity to provide regional baselines against which changes can be monitored;

- The Commission, in collaboration with experts, should identify groups of species that could serve as indicators and assess appropriate analytical methodologies.

(e) **Migratory corridors of seabirds, marine mammals, sea turtles, fishes or other large animals.** Monitoring and research may focus initially on mapping key habitats that serve as feeding and breeding grounds. Potential impacts from light and underwater noise or plumes on migration corridors and key habitats should be assessed;

- The Commission, supported by the secretariat, should establish how such data already in the DeepData database and from other sources could be used to address this gap and collaborate with experts to develop sensitivity maps.

(f) **Trophic connectivity/relationships.** Monitoring and research are needed to focus on measurements at different trophic levels;

- The secretariat, in discussion with the Commission, should enter into discussions with contractors, scientific communities and competent international and regional organizations to establish how new sampling and data already in the DeepData database and from other sources could be used to address this gap.

(g) **Ecosystem function.** Efforts will be needed to develop a model for ecosystem function at the scale of the Mid-Atlantic Ridge. Studies on community structure may be an essential first step in better understanding relationships within the ecosystem, which may be followed by experimental studies on ecosystem tipping points;

- The secretariat should encourage the scientific community to collaborate with contractors to carry out research to address this knowledge gap.
- (h) **Resilience and recovery.** Monitoring and research priorities should focus on the abundance or health of indicator species, changes in community profiles and biological traits linked to sensitivity;
- The secretariat should encourage the scientific community to carry out research to address this knowledge gap under the Authority's Action Plan for Marine Scientific Research in support of the United Nations Decade of Ocean Science for Sustainable Development.
- (i) **Risk analyses at the regional scale.** Frameworks and methodologies, such as cumulative impact analyses and scenario planning, should be developed and applied, in order to identify and assess risks, prepare mitigation action plans and establish key thresholds that trigger management actions;
- The Commission will draw on existing approaches and schemes and, in discussion with the secretariat, develop a series of expert discussions.

B. Research to support area-based management

- (j) **Habitat mapping (both physical and biological).** The range of habitats will need to be defined and then mapped within the REMP region to establish environmental baselines;
- The Commission, supported by the secretariat, in collaboration with scientific communities, contractors and international and regional organizations, should establish how such data already in the DeepData database and from other sources could be used to address this gap.
- (k) **Area-based management tool networks.** The incorporation of network criteria such as representativity and connectivity will be important in the future development of the REMP. The design of area-based management tool networks will be assessed against region-specific goals such as the protection of representative habitats;
- The Commission, supported by the secretariat, should lead expert discussions on the development and application of network criteria.
- (l) **Zoning scheme.** There are important gaps in understanding and designing the size and characteristics of core, buffer and possibly other zones;
- The Commission, in collaboration with experts and contractors, will develop a zoning system and prepare a clear description of the different zones (for example, core and buffer) in terms of their environmental characteristics and areal extent for each site in need of protection and area in need of protection.
- (m) **Development of criteria to evaluate the status of the site or area in need of precaution.** The development of such criteria is needed to guide decisions where new scientific data on environmental characteristics, or faunal composition and abundance of sensitive ecosystems and communities, have been provided;
- The Commission, supported by the secretariat, should lead expert discussions on the development and application of these criteria.
- (n) **Better knowledge of sites in need of protection, areas in need of protection and sites or areas in need of precaution.** Given that such areas may be located outside contract areas and cover large geographical space, contractors are encouraged to collaborate with scientific organizations to conduct joint surveys. In the case of sites and areas in need of precaution, habitat suitability models can be

useful for showing areas where new sites are potentially more likely to be discovered, and contractors and scientists are encouraged to record quantitative measurements of potential sensitive ecosystems through visual surveys;

- The Commission, in collaboration with experts, may facilitate collaborative survey and scientific research efforts with member States, international and regional organizations and multinational research projects.

C. Research to support non-spatial management

(o) **Behaviour, interactions and impact of natural and exploitation plumes.** This will focus on the physical and chemical characterization of natural hydrothermal plumes, as well as plumes from exploitation activities;

- The secretariat should encourage the contractors and scientific communities to carry out research to address this knowledge gap.

(p) **Underwater noise.** The activities and behaviour of marine larvae, fishes and marine mammals should also be monitored to understand the impacts of noises and to inform the development of relevant thresholds;

- The secretariat should encourage the contractors and scientific communities to address this knowledge gap.

(q) **Development of thresholds.** The following thresholds, together with their indicators and methodologies for measuring the thresholds, will be developed for acceptable levels of:

- (i) Toxic contaminants and particulates generated in the benthic environment;
- (ii) Toxic contaminants in returned water;
- (iii) Particulate content of returned water;
- (iv) Sediment dispersion, deposition and resuspension;
- (v) Changes in the ecological baseline of habitats;
- (vi) Cumulative impacts;
- (vii) Noise from vessels and noise emitted in the water column and benthic environment;
- (viii) Light from vessels and in the benthic environment.

- The Commission, with support from the secretariat, will review and adapt, as appropriate, existing schemas on development and use of thresholds in collaboration with competent international, regional and national organizations. The Commission will facilitate the engagement of experts through workshops and working groups to address this gap.

D. Activities for addressing knowledge gaps

54. The REMP should be implemented progressively by the Authority as recommended by the Commission, taking into account external expert views as appropriate. Contractors should give due consideration to the applicable measures and actions of the REMP in carrying out their activities in the Area.

55. Additional resources may be needed to ensure the adequate implementation of the REMP; this should be the subject of a separate detailed proposal to be developed by the secretariat.

56. A collaborative approach will be essential for monitoring and research at the regional scale. To that end, the secretariat should facilitate collaboration among contractors, sponsoring States, scientific communities and programmes, and competent international and regional organizations in the implementation of the priorities. Such collaboration is aimed at bringing together knowledge and resources, supporting the development of thresholds and sharing best practices. Specific collaboration should be directed towards, inter alia: (a) developing mechanisms for reviewing environmental data in the DeepData database; and (b) intercalibration studies to ensure coherence, consistency and comparability within the DeepData database.

57. The implementation of the research programmes should also create opportunities for capacity-building for developing States, including through collaboration with international and regional organizations and initiatives.

58. Technology will play an important role in future environmental management and monitoring. The secretariat will facilitate a forum on technology development to link engineers, contractors and scientists and to better understand how technology is evolving, the impacts of new technologies, and how technology advancements can improve the ability to monitor the marine environment.

X. Review of the progress in the implementation of the regional environmental management plan

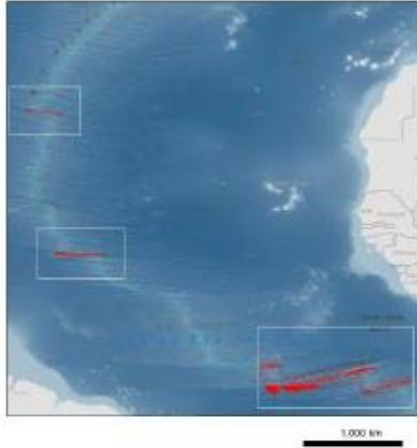
59. The progress in the implementation of the REMP is to be reviewed by the Commission at least every five years, as required, focusing on the key elements of the plan, including the environmental setting, the management measures and the knowledge gaps and implementation strategy. The review will be undertaken to determine its suitability or need for amendment, on the basis of the best available data and information and in alignment with the rules, regulations and procedures of the Authority.

60. The Commission will report the results of the review to the Council, and where appropriate, provide recommendations to the Council on amendments to be considered for strengthening the scientific basis and improving the implementation of the plan.

Annex I

List of areas in need of protection, with coordinates

Maps of the areas in need of protection: Kane Fracture Zone (A), Vema Fracture Zone (B) and Romanche Fracture Zone System (C)



Area in need of protection
(Kane Fracture Zone)

250 km



Area in need of protection
(Vema Fracture Zone)

250 km



Area in need of protection
(Romanche Fracture Zone System)

500 km

Fracture zones: Background

1. Fracture zones are common topographic features of the global oceans that arise through plate tectonics. They are characterized by two strongly contrasting types of topography. Seismically active transform faults form near mid-ocean ridges where oceanic crust is formed and the continental plates drift in opposing directions at their junction. Seismically inactive fracture zones, where the plate segments move in the same direction, extend beyond the transform faults, often for hundreds of kilometres. In the Atlantic basin, most fracture zones originate from the Mid-Atlantic Ridge and are nearly perfectly west–east-oriented. There are about 300 fracture zones occurring on average every 55 km along the ridge, with the offsets created by transform faults ranging from 9 to 400 km in length (Müller and Roest, 1992). The deep west-to-east fracture zones (for example, the Vema Fracture Zone, Romanche Fracture Zone and Kane Fracture Zone) seem to guide the spatial and temporal distribution of thermal fronts and water masses (Belkin and others, 2009).

1. Kane Fracture Zone

2. The Kane Fracture Zone can be traced as a distinct topographic trough from the Mid-Atlantic Ridge near 24°North to the 80-m.y. B.P. isochron (magnetic anomaly 34 time) on either side of the ridge axis for a total of approximately 2,800 km. Major changes in trend of the fracture zone occur at approximately 72 m.y. B.P. (anomaly 31 time) and approximately 53–63 m.y. B.P. (anomaly 21–25 time), which are the result of major reorientations in spreading directions in the central Atlantic Ocean (Purdy and others, 1979). The Kane Fracture Zone offsets the ridge axis over 150 km in a left-lateral sense (Ballu and others, 1997). The eastern intersection between the Kane Fracture Zone and the Mid-Atlantic Ridge constitutes the MARK area and has been intensively surveyed by SeaBeam and Simrad (Gente and others, 1991). The rift valley in the MARK area is 10 to 17 km wide and 3,500 to 4,000 m deep, reaching a depth of 6,100 m in the nodal basin at the Ridge-Transform Intersection. The motion along the transform segment is dextral and the measured full spreading rate in the area is close to 3 cm per year.

3. The transform valley varies from 6 to 8 km in width. It is composed of a series of 4,500-metre-deep basins separated by shallower saddles. The relatively disturbed topography of the valley floor suggests that the sedimentary cover is probably thin. The northern wall of the Kane Fracture Zone shows an irregular pattern with a succession of 4,500 metre-deep lows separated by north–south trending highs representative of the oceanic crust created along a north–south ridge axis. Towards the east, the sedimentary cover attenuates the sharpness of the relief (Auzende and others, 1994).

4. The southern wall of the Kane Fracture Zone consists of four successive massifs. They show different stages of vertical evolution from the Ridge-Transform Intersection (zero age) to about the middle part of the Kane Fracture Zone (4–5 megannum). The easternmost inside-corner massif located (Auzende and others, 1994) at the Ridge-Transform Intersection reaches to less than 1,200 m depth, while the top of the westernmost massif is at about 2,500 m depth. Each massif shows a convex shape with a steep wall towards the transform valley. Their width is remarkably constant, at about 20 km, and they are separated by deep, north-south depressions several kilometres wide (Auzende and others, 1994).

5. The cirriped species (Young, 1998), ascidians (Monniot and Monniot, 2003) and carnivore sponges (Hestetun and others, 2015) are found at different depths.

Location

6. The Kane Fracture Zone and the surrounding oceanic domain is probably the more intensively surveyed area of the North Atlantic basin. It is located around 23°40' North (see figure above) and offsets the Mid-Atlantic Ridge by about 150 km.

Table 1
Turning points for the Kane Fracture Zone

<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>	<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>
1	-46.9892065	23.9425133	37	-45.2212396	23.7546986
2	-46.9458730	23.9236403	38	-45.1398621	23.7544606
3	-46.8666369	23.9593322	39	-45.1541388	23.6795076
4	-46.8233970	23.9389840	40	-45.0156542	23.6638032
5	-46.7938254	23.9250680	41	-44.9721101	23.6909290
6	-46.7367184	23.8943729	42	-44.9369214	23.6617369
7	-46.6596238	23.8950868	43	-44.8917116	23.6724444
8	-46.5466267	23.8639910	44	-44.8438238	23.6683564
9	-46.5275673	23.8700657	45	-44.7941537	23.6641163
10	-46.4621286	23.8909227	46	-44.7555812	23.6696408
11	-46.4507959	23.9186683	47	-44.7315466	23.6730831
12	-46.4448775	23.9331582	48	-44.6780087	23.6366773
13	-46.3890791	23.9407724	49	-44.6302088	23.6148615
14	-46.3425606	23.9682552	50	-44.5371719	23.6153374
15	-46.2955663	23.9634963	51	-44.4795617	23.6252559
16	-46.2705820	23.9450555	52	-44.4517220	23.6081238
17	-46.2384592	23.9236403	53	-44.4221229	23.6083881
18	-46.2220409	23.8929453	54	-44.3717721	23.6088376
19	-46.1950341	23.8415489	55	-44.3503569	23.5895640
20	-46.1539884	23.8671281	56	-44.2632686	23.5867086
21	-46.1165119	23.8213235	57	-44.2104446	23.5824256
22	-46.0778729	23.8080737	58	-44.1140764	23.5688627
23	-46.0379896	23.8094262	59	-44.0148529	23.5517306
24	-45.9707699	23.8379797	60	-43.9423067	23.5213487
25	-45.9322226	23.8094262	61	-43.9295214	23.5211506
26	-45.8274073	23.8046673	62	-43.9319845	23.4730260
27	-45.7827924	23.8445232	63	-43.9367934	23.4385125
28	-45.7631619	23.8088313	64	-43.9434964	23.4107037
29	-45.6959421	23.8171594	65	-43.9848717	23.3996830
30	-45.6626297	23.7814675	66	-44.0177083	23.4467963
31	-45.5981463	23.8094262	67	-44.0498310	23.4225258
32	-45.5400874	23.7755189	68	-44.0748153	23.4039660
33	-45.4865496	23.7927700	69	-44.0869506	23.4703530
34	-45.4503817	23.7580298	70	-44.1383469	23.5174663
35	-45.3768564	23.7901526	71	-44.1619036	23.5096141
36	-45.3083279	23.7944356	72	-44.1419161	23.4325196

<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>	<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>
73	-44.2083031	23.4496517	109	-46.1587746	23.7497769
74	-44.2604133	23.5381676	110	-46.2265892	23.7521564
75	-44.3382217	23.5395953	111	-46.2836963	23.7652434
76	-44.4180254	23.5577506	112	-46.2967833	23.8223505
77	-44.4515113	23.5653687	113	-46.3645980	23.8401964
78	-44.5609392	23.5774287	114	-46.4332999	23.8417231
79	-44.5752160	23.5167525	115	-46.4716737	23.8425759
80	-44.6116217	23.4989065	109	-46.1587746	23.7497769
81	-44.6380338	23.5296016	110	-46.2265892	23.7521564
82	-44.6473137	23.5917055	111	-46.2836963	23.7652434
83	-44.6775601	23.5891633	112	-46.2967833	23.8223505
84	-44.7236944	23.6224006	113	-46.3645980	23.8401964
85	-44.7289892	23.6230057	114	-46.4332999	23.8417231
86	-44.8236317	23.6338220	115	-46.4716737	23.8425759
87	-44.8236435	23.6337152	109	-46.1587746	23.7497769
88	-44.8275578	23.5981301	110	-46.2265892	23.7521564
89	-44.8532560	23.5317431	111	-46.2836963	23.7652434
90	-44.9032544	23.5553326	112	-46.2967833	23.8223505
91	-44.9450140	23.5428405	113	-46.3645980	23.8401964
92	-44.9835613	23.5542619	114	-46.4332999	23.8417231
93	-45.0064933	23.6071720	115	-46.4716737	23.8425759
94	-45.0725506	23.6308039	109	-46.1587746	23.7497769
95	-45.1962553	23.6315615	110	-46.2265892	23.7521564
96	-45.2551470	23.6440537	111	-46.2836963	23.7652434
97	-45.3092797	23.6375101	112	-46.2967833	23.8223505
98	-45.3390230	23.6623755	113	-46.3645980	23.8401964
99	-45.4125483	23.6852183	114	-46.4332999	23.8417231
100	-45.4990417	23.7267399	115	-46.4716737	23.8425759
101	-45.5817280	23.7255502	109	-46.1587746	23.7497769
102	-45.6186369	23.7069466	110	-46.2265892	23.7521564
103	-45.6780962	23.6934275	111	-46.2836963	23.7652434
104	-45.7542389	23.7326886	112	-46.2967833	23.8223505
105	-45.8196741	23.6934275	113	-46.3645980	23.8401964
106	-45.8986722	23.7480361	114	-46.4332999	23.8417231
107	-45.9648485	23.7366899	115	-46.4716737	23.8425759
108	-46.0357292	23.7037781			

2. Vema Fracture Zone

7. The Vema Fracture Zone is one of the longest fracture zone traces in the Atlantic and covers crustal ages up to >100 Ma. Along the walls of the Fracture Zone, crust is exposed representing seafloor ages covering this range.

8. Several studies have been carried out on an uplifted ridge to the south of the younger regions of the Vema Fracture Zone and the active plate boundary (the Vema

Transform Fault) has also been extensively studied in terms of its deeper crustal structure (Lagabrielle and others, 1992; Mamaloukas-Frangoulis and others, 1991) and lithologies (Cannat and others, 1991; Devey and others, 2018).

9. An important component of the deep-sea habitat is the water masses and their movements above the seafloor. They have relevance both for nutrient supply (trace metals, oxygen) as well as larval dispersal (near-bottom currents). The Vema Fracture Zone is an important conduit through the Mid-Atlantic Ridge for cold and dense bottom water flowing from the western to the eastern Atlantic basin (Fischer and others, 1996).

10. Published records of vesicomid clams *A. southwardae* in the Vema Fracture Zone suggest the presence of reducing habitats in this area (Krylova and others, 2010). Indications for chemoautotrophic life have also been reported for the active Vema transform fault (Cannat and others., 1991; Krylova and others, 2010). Recently, this evidence was confirmed by pore water anomalies along an east–west transect, indicating the advection of methane-rich fluids in this area (Devey and others, 2018). Patterns of faunal connectivity and abundance at the region demonstrate that the Vema Fracture Zone may act as a conduit for dispersal for the western and eastern basins. Along the Vema Fracture Zone, macrofauna abundances were generally higher on the eastern side than in the west (Brandt and others, 2018). Alive habitat-forming scleractinian corals (*Enallopsammia*) and octocorals (*Isididae*, *Corallidae*) were reported from 094 James Cook cruise (Robinson, 2013).

Location

11. The Vema Fracture Zone is located at 10° 46' North and is a narrow ~5,000-metre-deep valley that offsets the Mid-Atlantic Ridge by 320 km (Kastens et al., 1998).

Table 2
Turning points for the Vema Fracture Zone

Points	Longitude	Latitude	Points	Longitude	Latitude	Points	Longitude	Latitude
1	-44.4142454	11.0104244	19	-44.0763620	10.9809191	37	-43.5643020	10.9228602
2	-44.4028240	10.9847262	20	-44.0440013	10.9523656	38	-43.5538044	10.9504854
3	-44.3923544	10.9942441	21	-44.0116406	10.9380888	39	-43.5462181	10.9704495
4	-44.3809330	11.0237494	22	-43.9792800	10.9476066	40	-43.5090985	10.9609316
5	-44.3723669	11.0589654	23	-43.9459675	10.9951959	41	-43.4526236	10.9406359
6	-44.3419098	11.0627726	24	-43.9202693	11.0009066	42	-43.4481843	10.9390406
7	-44.3295366	11.0399297	25	-43.8905824	10.9962498	43	-43.4053540	10.9304745
8	-44.3181152	11.0189905	26	-43.8717283	10.9932923	44	-43.4018732	10.9356957
9	-44.3066938	10.9894852	27	-43.8308016	11.0037619	45	-43.3844147	10.9618834
10	-44.2933688	10.9752084	28	-43.8172856	10.9959642	46	-43.3596683	10.9628352
11	-44.2667189	11.0028101	29	-43.8060552	10.9894852	47	-43.3349219	10.9333299
12	-44.2410207	11.0266047	30	-43.7917784	10.9656905	48	-43.3246115	10.9281746
13	-44.2238886	11.0227976	31	-43.7784535	10.9352334	49	-43.3063684	10.9190531
14	-44.1962868	11.0142316	32	-43.7584660	10.9323781	50	-43.2711524	10.9142942
15	-44.1658297	10.9923405	33	-43.7384785	11.0332672	51	-43.2615039	10.9215305
16	-44.1652042	10.9922333	34	-43.6775643	11.0332672	52	-43.2521167	10.9285710
17	-44.1325173	10.9866298	35	-43.6375894	10.9790155	53	-43.2264185	10.9618834
18	-44.1030119	10.9980512	36	-43.6042769	10.9295227	54	-43.1988168	10.9590281

<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>	<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>	<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>
55	-43.1626490	10.9276192	98	-42.2958136	10.8824152	141	-41.0953732	10.8086461
56	-43.1217222	10.9609316	99	-42.2822484	10.8933549	142	-41.0439769	10.8143568
57	-43.0874580	10.9495102	100	-42.2717788	10.8962103	143	-40.9859180	10.8143568
58	-43.0769884	10.9352334	101	-42.2548169	10.8812439	144	-40.9583251	10.8160291
59	-43.0665187	10.9181013	102	-42.2394181	10.8676568	145	-40.9231003	10.8181640
60	-43.0531938	10.9266674	103	-42.2191173	10.8802239	146	-40.8858614	10.8066376
61	-43.0370134	10.9371370	104	-42.1994431	10.8924031	147	-40.8831253	10.8057908
62	-43.0122670	10.9409442	105	-42.1737450	10.8819335	148	-40.8660124	10.8046240
63	-42.9979903	10.9257156	106	-42.1657278	10.8786985	149	-40.8412468	10.8029354
64	-42.9780028	10.9085835	107	-42.1194933	10.8600425	150	-40.8330699	10.8380479
65	-42.9646778	10.9181013	108	-42.0595308	10.8609943	151	-40.8250665	10.8724157
66	-42.9570635	10.9095353	109	-42.0388271	10.8750728	152	-40.8136451	10.8809817
67	-42.9503795	10.8886475	110	-42.0357362	10.8771746	153	-40.8060308	10.8448139
68	-42.9494493	10.8857407	111	-41.9967131	10.8828853	154	-40.7992088	10.8206269
69	-42.9432564	10.8878947	112	-41.9837514	10.8739742	155	-40.7955612	10.8076943
70	-42.9275582	10.8933549	113	-41.9662560	10.8619460	156	-40.7831387	10.8056239
71	-42.8856797	10.8943067	114	-41.9386542	10.8628978	157	-40.7781093	10.8047857
72	-42.8698745	10.8835304	115	-41.8863061	10.8619460	158	-40.7755553	10.8043600
73	-42.8647404	10.8800300	116	-41.8634351	10.8719521	159	-40.7441648	10.7991283
74	-42.8609388	10.8830517	117	-41.8558490	10.8715271	160	-40.7003827	10.7867551
75	-42.8276209	10.9095353	118	-41.8301508	10.8724157	161	-40.6952066	10.7990142
76	-42.8123923	10.9019210	119	-41.8101633	10.8847889	162	-40.6822988	10.8295854
77	-42.7752727	10.8819335	120	-41.7521045	10.8800300	163	-40.6575524	10.8276818
78	-42.7457674	10.8933549	121	-41.7362711	10.8698149	164	-40.6404203	10.7848515
79	-42.7229246	10.8771746	122	-41.7225992	10.8609943	165	-40.6251917	10.7962729
80	-42.6629621	10.8790782	123	-41.6930938	10.8657532	166	-40.5536493	10.7874293
81	-42.6401193	10.8847889	124	-41.6464564	10.8676568	167	-40.5350895	10.8088444
82	-42.5934819	10.8866924	125	-41.6105851	10.8676568	168	-40.5262062	10.7810444
83	-42.5655454	10.8702592	126	-41.5969636	10.8676568	169	-40.5062187	10.7753337
84	-42.5611212	10.8676568	127	-41.5788797	10.8743192	170	-40.4871830	10.8067426
85	-42.5535951	10.8710777	128	-41.5512780	10.8686085	171	-40.4808378	10.8495332
86	-42.5401820	10.8771746	129	-41.5074375	10.8657983	172	-40.4424491	10.8552836
87	-42.5333948	10.8724613	130	-41.4770388	10.8638496	173	-40.4195786	10.8319721
88	-42.5059177	10.8533800	131	-41.3989925	10.8581389	174	-40.4115955	10.8238350
89	-42.4735571	10.8571871	132	-41.3770859	10.8634496	175	-40.3872456	10.7905622
90	-42.4554731	10.8695603	133	-41.3675836	10.8657532	176	-40.3216518	10.8131274
91	-42.4345339	10.8705121	134	-41.3637683	10.8632096	177	-40.3109443	10.7760078
92	-42.4002697	10.8495728	135	-41.3333193	10.8429104	178	-40.2795354	10.7860016
93	-42.3707643	10.8762228	136	-41.2705016	10.8419586	179	-40.2488403	10.8138413
94	-42.3636235	10.8840437	137	-41.2352855	10.8457657	180	-40.2387673	10.7848515
95	-42.3507769	10.8981139	138	-41.1895999	10.8248265	181	-40.2149727	10.7829479
96	-42.3306837	10.8834115	139	-41.1790902	10.8227702	182	-40.1810257	10.8516747
97	-42.3117537	10.8695603	140	-41.1458178	10.8162604	183	-40.1597692	10.8200675

<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>	<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>	<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>
184	-40.1635763	10.7877069	227	-40.7041898	10.7458283	270	-41.4399192	10.6953838
185	-40.1664317	10.7458283	228	-40.7365505	10.7591533	271	-41.4732316	10.6725410
186	-40.1426371	10.7391659	229	-40.7604207	10.7639274	272	-41.5036887	10.6496981
187	-40.1093246	10.7629605	230	-40.7928747	10.7704182	273	-41.5038510	10.6487249
188	-40.1003620	10.8745175	231	-40.7936576	10.7705747	274	-41.5103512	10.6097232
189	-40.0796606	10.8002783	232	-40.8536200	10.7772372	275	-41.5208209	10.6021089
190	-40.0589593	10.8488194	233	-40.9459431	10.7772372	276	-41.5360494	10.6144821
191	-40.0398443	10.7620087	234	-41.0239894	10.7800926	277	-41.5455673	10.6401803
192	-40.0360372	10.8153086	235	-41.0572328	10.7793620	278	-41.5542483	10.6496330
193	-39.9836891	10.7867551	236	-41.1106018	10.7781890	279	-41.5883976	10.6868177
194	-39.9531498	10.7658139	237	-41.1629499	10.7743819	280	-41.6226618	10.6658785
195	-39.9525870	10.7521359	238	-41.2124427	10.7639123	281	-41.6445528	10.6734927
196	-39.9518089	10.7332254	239	-41.2160798	10.7540402	282	-41.6826242	10.6772999
197	-39.9524469	10.7145231	240	-41.2191052	10.7458283	283	-41.7264063	10.6896731
198	-39.9536609	10.6789395	241	-41.1905517	10.7420212	284	-41.8073080	10.7125159
199	-39.9694123	10.6849141	242	-41.1420107	10.7325034	285	-41.8882096	10.7106123
200	-40.0055801	10.6782517	243	-41.0687233	10.7334552	286	-41.9710149	10.6944320
201	-40.0236640	10.6677820	244	-40.9659306	10.7363105	287	-42.0243148	10.6896731
202	-40.0417479	10.6487463	245	-40.8954985	10.7401176	288	-42.0899879	10.7077570
203	-40.0617354	10.6601678	246	-40.8909974	10.7413680	289	-42.1870699	10.6982391
204	-40.0807711	10.6782517	247	-40.8612343	10.7496355	290	-42.2736823	10.7001427
205	-40.1407335	10.6830106	248	-40.8288736	10.7515391	291	-42.4269196	10.6991909
206	-40.1959370	10.6772999	249	-40.7974647	10.7277444	292	-42.5858676	10.6972873
207	-40.2330566	10.6953838	250	-40.7993683	10.6887213	293	-42.7533817	10.6963356
208	-40.2597065	10.6696856	251	-40.8079343	10.6630231	294	-42.9294618	10.6963356
209	-40.2835011	10.6763481	252	-40.8212593	10.6220964	295	-42.9875206	10.6953838
210	-40.2968261	10.6906249	253	-40.8450539	10.5954464	296	-43.0874580	10.7010945
211	-40.3272832	10.6972873	254	-40.8736075	10.5963982	297	-43.2083346	10.7077570
212	-40.3567885	10.7039498	255	-40.8935949	10.6201928	298	-43.2978023	10.7144195
213	-40.3558368	10.6772999	256	-40.9097753	10.6639749	299	-43.3882219	10.7248891
214	-40.3653546	10.6677820	257	-40.9421359	10.6925284	300	-43.4672200	10.7372623
215	-40.3881974	10.6772999	258	-40.9982912	10.7049016	301	-43.5519288	10.7458283
216	-40.4015224	10.6858659	259	-41.0211341	10.6830106	302	-43.6309269	10.7477319
217	-40.4111157	10.6906626	260	-41.0373144	10.6953838	303	-43.7222982	10.7677194
218	-40.4148474	10.6925284	261	-41.0630126	10.7134677	304	-43.7519900	10.7651847
219	-40.4500634	10.7001427	262	-41.1153607	10.7115641	305	-43.8003445	10.7610569
220	-40.4786169	10.6820588	263	-41.1448660	10.7134677	306	-43.8581073	10.7833919
221	-40.4881348	10.6915766	264	-41.1724678	10.7010945	307	-43.8717283	10.7886586
222	-40.4995562	10.7077570	265	-41.2476587	10.6991909	308	-43.9221729	10.7762855
223	-40.5109776	10.7220337	266	-41.2904890	10.7068052	309	-43.9440640	10.7562980
224	-40.5614222	10.7325034	267	-41.3190426	10.7020463	310	-44.0078335	10.7553462
225	-40.6366132	10.7382141	268	-41.3809086	10.6830106	311	-44.1030119	10.7553462
226	-40.6834141	10.7434874	269	-41.4008960	10.6972873	312	-44.1374665	10.7615729

Points	Longitude	Latitude	Points	Longitude	Latitude	Points	Longitude	Latitude
313	-44.1820101	10.7696230	323	-44.6165497	10.8795345	333	-44.5179899	11.0294601
314	-44.2362618	10.7791408	324	-44.6193874	10.9177036	334	-44.5008578	10.9970994
315	-44.3124045	10.7791408	325	-44.6196756	10.9215791	335	-44.4827739	10.9799673
316	-44.3790294	10.7753337	326	-44.6223126	10.9735988	336	-44.4665936	11.0142316
317	-44.4104383	10.7962729	327	-44.6230222	10.9821396	337	-44.4513650	11.0561101
318	-44.4627865	10.8000801	328	-44.6017470	10.9723530	338	-44.4370883	11.0694350
319	-44.5551095	10.8057908	329	-44.5798559	10.9856780	339	-44.4151972	11.0513511
320	-44.6070384	10.8074659	330	-44.5674827	11.0294601	340	-44.4142454	11.0104244
321	-44.6108045	10.8332848	331	-44.5522542	11.0618208			
322	-44.6114455	10.8376793	332	-44.5322667	11.0570618			

3. Romanche Fracture Zone System

12. The Romanche Fracture Zone System is characterized by parallel ridge crests and trenches that extend in the east-west direction approaching the north-east Brazilian and West African continental margins. Crests are generally characterized by a roughed topography but may also include sediment-covered and relatively flat areas and gentle slopes. The Romanche Fracture Zone System may reach a depth of 7,761 m.

13. The Romanche Fracture Zone System dramatically affects the Atlantic deep-water circulation, chiefly determined by the northward flow of the Antarctic Bottom Water (>4,000 m) and the southward flow of the North Atlantic Deep Water (1,500-4,000 m). In the western side, these water masses flow through conduits created by the Romanche Fracture Zone System (Dunn et al and others, 2018) connecting the North and South Atlantic deep environments. (Huang and Jin, 2002). The influence of the Romanche Fracture Zone System on the circulation patterns of the North Atlantic Deep Water and the Antarctic Bottom Water have been regarded as a key element in testing the deep-water fauna dispersal hypothesis (German and others, 2011).

14. The Equatorial Atlantic has been characterized by an elevated diversity and abundance of pelagic organisms, compared with the adjacent northern and southern subtropical gyres of the Atlantic. In essence, that has been explained by the effect of complex surface circulation patterns, elevated temperature and productivity regimes. Data in support of these patterns are found in specific plankton and micronekton studies focusing on euphausiids (Gibbons, 1997), myctophids and other mesopelagic fish (Bakus, 1977) and cephalopods (Rosa and others, 2008; Perez and Bolstad, 2011). The area also concentrates important catches of large pelagic fishes, including the yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) and swordfish (*Xiphias gladius*) (<https://iccat.org>) (Fonteneau and Soubrier, 1996). The area is a feeding ground for a West African population of leatherback turtles (*Demochelis coriacea*) and olive ridley turtles (*Lepidochelys olivacea*) (both critically endangered according to International Union for Conservation of Nature and Natural Resources criteria) (Billes and others, 2006; Fretey and others, 2007; Georges and others, 2007; Witt and others, 2011; Da Silva and others, 2011).

15. Limited data are available on benthic and benthopelagic fauna, but models tend to predict a relatively high seafloor biomass, particularly in the Western Equatorial area (Wei and others, 2010). The data derived from surveys conducted in the southern

Mid-Atlantic Ridge have also revealed a high benthic diversity (Perez and others, 2012).

Location

16. The area extends approximately 300 km across the Equatorial Atlantic basin from the western border of the Guinea Basin (10°West) in the east to the north-east limit of the Brazilian continental margin (32°West) in the west and encloses three major fracture zones: St Paul's, Romanche and Chain.

Table 3
Turning points for the Romanche Fracture Zone System

<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>	<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>	<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>
1	-15.7433035	0.5282108	34	-16.8685433	0.1364343	67	-17.5575127	-0.0941358
2	-15.6772096	0.4858205	35	-16.8807940	0.1228710	68	-17.6003430	-0.0955635
3	-15.6700018	0.4802524	36	-16.9101039	0.0876991	69	-17.6902867	-0.1169787
4	-15.6786903	0.4812178	37	-16.9164859	0.0800407	70	-17.7364469	-0.1162897
5	-15.7043885	0.4683687	38	-16.9293350	0.0400658	71	-17.7859410	-0.1155510
6	-15.7124237	0.4598314	39	-16.9311298	0.0365959	72	-17.8330543	-0.1326831
7	-15.7272313	0.4440982	40	-16.9507502	-0.0013369	73	-17.8353147	-0.1350691
8	-15.7586402	0.4226831	41	-17.0064296	-0.0198967	74	-17.8587525	-0.1598090
9	-15.8414455	0.4112617	42	-17.0649643	-0.0170413	75	-17.8674357	-0.1639897
10	-15.8871311	0.4126894	43	-17.1149330	0.0043738	76	-17.8972998	-0.1783688
11	-15.9071186	0.3984126	44	-17.1290158	0.0150768	77	-17.9615452	-0.2083500
12	-15.9656533	0.3841358	45	-17.1506249	0.0314997	78	-18.0200800	-0.2226267
13	-15.9999176	0.3941296	46	-17.1469461	0.0100402	79	-18.0200800	-0.2226267
14	-16.0180902	0.4064610	47	-17.1420588	-0.0184690	80	-18.0729040	-0.2540356
15	-16.0398925	0.4212554	48	-17.0957417	-0.0506896	81	-18.1014575	-0.2540356
16	-16.0969996	0.4255384	49	-17.0885713	-0.0556777	82	-18.1266972	-0.2447368
17	-16.1441129	0.4112617	50	-17.0763857	-0.0641546	83	-18.1285834	-0.2440419
18	-16.1856866	0.3710291	51	-17.0992285	-0.0884251	84	-18.1324125	-0.2469520
19	-16.1883709	0.3684314	52	-17.1491972	-0.0941358	85	-18.1642753	-0.2711677
20	-16.2589652	0.3194708	53	-17.1929826	-0.0780044	86	-18.2085333	-0.2911552
21	-16.2768868	0.3070413	54	-17.2034489	-0.0741484	87	-18.2485082	-0.2940106
22	-16.3611197	0.2870538	55	-17.2166281	-0.0632612	88	-18.2597151	-0.2919991
23	-16.4582018	0.2385128	56	-17.2362855	-0.0470225	89	-18.3041876	-0.2840168
24	-16.5581391	0.2028209	57	-17.2648390	-0.0284627	90	-18.3798545	-0.3011489
25	-16.5981141	0.2013932	58	-17.2768751	-0.0264567	91	-18.4341062	-0.3225641
26	-16.6090872	0.2076113	59	-17.2991033	-0.0227520	92	-18.4969239	-0.3339855
27	-16.6409444	0.2256637	60	-17.3547827	-0.0398841	93	-18.5383266	-0.3439792
28	-16.6709256	0.2413682	61	-17.3593644	-0.0446651	94	-18.6016202	-0.3568283
29	-16.7116082	0.2421078	62	-17.3658566	-0.0514395	95	-18.6302924	-0.3482267
30	-16.7494478	0.2427958	63	-17.3876192	-0.0741484	96	-18.6396916	-0.3454069
31	-16.7893816	0.2102183	64	-17.4490093	-0.0755760	97	-18.7234486	-0.3872854
32	-16.8036995	0.1985379	65	-17.4540338	-0.0761722	98	-18.7976878	-0.3948997
33	-16.8408191	0.1671290	66	-17.5332422	-0.0855698	99	-18.8890591	-0.4139354

<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>	<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>	<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>
100	-18.9575876	-0.4348747	143	-21.7310873	-0.9355133	186	-22.0984761	-1.4266340
101	-19.0527660	-0.4462961	144	-21.7765224	-0.9374887	187	-22.1993653	-1.4304411
102	-19.1403302	-0.4596210	145	-21.8186515	-0.9393204	188	-22.2218533	-1.4343917
103	-19.1701634	-0.4799076	146	-21.9347692	-0.9545489	189	-22.3402294	-1.4551875
104	-19.1879194	-0.4919817	147	-22.0356584	-0.9964275	190	-22.4544435	-1.4666089
105	-19.2242026	-0.4850706	148	-22.1079940	-1.0249810	191	-22.5103432	-1.4886539
106	-19.2278944	-0.4843674	149	-22.1147699	-1.0511168	192	-22.5895969	-1.5199089
107	-19.3078443	-0.4843674	150	-22.1213189	-1.0763773	193	-22.7533038	-1.5389446
108	-19.3858906	-0.4881746	151	-22.1135256	-1.1257355	194	-22.9360464	-1.5408481
109	-19.4410941	-0.4805603	152	-22.1098975	-1.1487130	195	-22.9931535	-1.5713052
110	-19.4962976	-0.4843674	153	-22.0394655	-1.1601344	196	-23.0902355	-1.5427517
111	-19.4962976	-0.5110670	154	-21.9519013	-1.1296773	197	-23.2710745	-1.5713052
112	-19.4962976	-0.5300531	155	-21.8453015	-1.0763773	198	-23.4252636	-1.5294267
113	-19.5857653	-0.5605102	156	-21.7786766	-1.1182559	199	-23.4703826	-1.5226280
114	-19.6561973	-0.5795459	157	-21.7101481	-1.1087380	200	-23.5642241	-1.5084875
115	-19.7380508	-0.5833530	158	-21.6359089	-1.1296773	201	-23.6708240	-1.5046803
116	-19.8002061	-0.5882279	159	-21.6035482	-1.1011237	202	-23.6941213	-1.4933158
117	-19.8351328	-0.5909673	160	-21.3846378	-1.1030273	203	-23.7488703	-1.4666089
118	-19.9112756	-0.6252315	161	-21.3579879	-1.0725702	204	-23.8668915	-1.4799339
119	-19.9204613	-0.6300946	162	-21.3027844	-1.0364024	205	-23.9297093	-1.4532840
120	-19.9759969	-0.6594958	163	-21.1999916	-1.0383060	206	-23.9449379	-1.3980805
121	-20.0457409	-0.6841113	164	-21.1124275	-0.9964275	207	-23.9335164	-1.3048056
122	-20.0730789	-0.6937600	165	-21.0534168	-1.0344988	208	-23.9339910	-1.3034935
123	-20.1036332	-0.6937600	166	-20.9734670	-1.0820880	209	-23.9592449	-1.2336739
124	-20.1587395	-0.6937600	167	-20.8364100	-1.1030273	210	-23.9658771	-1.2153379
125	-20.1663538	-0.7032779	168	-20.7336173	-1.1315808	211	-24.1676554	-1.1963022
126	-20.1685128	-0.7045733	169	-20.7227829	-1.1577639	212	-24.3028088	-1.2305664
127	-20.1949073	-0.7204100	170	-20.7170582	-1.1715987	213	-24.3096208	-1.2714387
128	-20.2297826	-0.7147849	171	-20.7107745	-1.1867843	214	-24.3142302	-1.2990949
129	-20.2539179	-0.7108921	172	-20.6669924	-1.3009985	215	-24.3151822	-1.3447925
130	-20.3080600	-0.7126109	173	-20.7431351	-1.3124199	216	-24.3180373	-1.4818375
131	-20.3738428	-0.7146993	174	-20.7696558	-1.3029903	217	-24.3069251	-1.5498997
132	-20.4880569	-0.7070850	175	-20.8287957	-1.2819628	218	-24.3028088	-1.5751124
133	-20.6346317	-0.7375421	176	-20.9277813	-1.2724449	219	-24.4378293	-1.5779253
134	-20.7526530	-0.7851313	177	-21.0305740	-1.2876735	220	-24.4855514	-1.5789195
135	-20.8992278	-0.8003599	178	-21.1847631	-1.3029020	221	-24.5179121	-1.5732088
136	-21.0819704	-0.8422384	179	-21.3123022	-1.3485877	222	-24.5481324	-1.6015403
137	-21.1695345	-0.8498527	180	-21.4227092	-1.3790448	223	-24.5483692	-1.6017623
138	-21.2875558	-0.8707919	181	-21.5559590	-1.4037912	224	-24.5523194	-1.6274390
139	-21.3960592	-0.8898276	182	-21.6701731	-1.4075983	225	-24.5674049	-1.7254943
140	-21.5540554	-0.9050561	183	-21.8243622	-1.4114055	226	-24.7292082	-1.7864085
141	-21.6367311	-0.9173044	184	-21.9538049	-1.4095019	227	-24.9804793	-1.7521443
142	-21.6568482	-0.9202847	185	-21.9754926	-1.4120702	228	-25.1460898	-1.6664837

<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>	<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>	<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>
229	-25.2279432	-1.6322194	272	-24.5479608	-1.0885707	315	-22.5424835	-1.0024951
230	-25.3310983	-1.6235196	273	-24.5279058	-1.0957699	316	-22.4339801	-0.9653755
231	-25.3364423	-1.6131804	274	-24.4850755	-1.0881557	317	-22.3026339	-0.9187381
232	-25.3653032	-1.5573415	275	-24.4403416	-1.0929146	318	-22.2713908	-0.8944977
233	-25.3952779	-1.4844442	276	-24.3832346	-1.0881557	319	-22.2474304	-0.8759078
234	-25.4188246	-1.4091952	277	-24.2775865	-1.0586504	320	-22.1646251	-0.8406917
235	-25.4357646	-1.3321670	278	-24.2071545	-1.0434218	321	-22.1573532	-0.8378569
236	-25.4450205	-1.2642300	279	-24.1519510	-1.0367593	322	-22.1084699	-0.8188007
237	-25.4580336	-1.1315198	280	-24.0938921	-1.0329522	323	-22.0675875	-0.8113222
238	-25.4587202	-1.1245182	281	-24.0491583	-1.0377111	324	-22.0304235	-0.8045239
239	-25.4587543	-1.1243620	282	-24.0053762	-1.0481807	325	-21.9533290	-0.7902472
240	-25.4125894	-1.1178989	283	-23.9615941	-1.0386629	326	-21.8809934	-0.7750186
241	-25.3555352	-1.1335428	284	-23.9206674	-1.0272415	327	-21.8029471	-0.7635972
242	-25.3388261	-1.1381244	285	-23.8702228	-1.0281933	328	-21.7883437	-0.7648400
243	-25.3341129	-1.1339656	286	-23.8359585	-1.0158201	329	-21.7582132	-0.7674043
244	-25.3186007	-1.1202784	287	-23.7607676	-1.0348557	330	-21.6858776	-0.7531276
245	-25.2507861	-1.1143297	288	-23.7207926	-1.0281933	331	-21.5983134	-0.7359954
246	-25.1948687	-1.1274168	289	-23.6836730	-1.0167718	332	-21.4926653	-0.7264776
247	-25.1460898	-1.1143297	290	-23.6532159	-1.0053504	333	-21.4650636	-0.7102973
248	-25.0794649	-1.1000530	291	-23.5999160	-1.0072540	334	-21.3993905	-0.7160080
249	-25.0101540	-1.0953539	292	-23.5190143	-0.9967844	335	-21.3698852	-0.7083937
250	-25.0092708	-1.0952941	293	-23.4561966	-0.9882183	336	-21.3061156	-0.7026830
251	-24.9664405	-1.1143297	294	-23.3971859	-0.9853630	337	-21.2480568	-0.6893580
252	-24.9190292	-1.1421581	295	-23.2982004	-0.9644237	338	-21.2099854	-0.6769848
253	-24.9117129	-1.1464525	296	-23.2020701	-0.9606166	339	-21.1871426	-0.6655634
254	-24.8546058	-1.1476422	297	-23.1897098	-0.9534476	340	-21.1585890	-0.6646116
255	-24.8396682	-1.1417843	298	-23.1775592	-0.9464002	341	-21.1071927	-0.6674670
256	-24.7939295	-1.1238476	299	-23.1544809	-0.9330148	342	-21.0710249	-0.6569973
257	-24.8077304	-1.0938664	300	-23.1240238	-0.9101720	343	-21.0358088	-0.6436724
258	-24.7858394	-1.0710236	301	-23.0926149	-0.9187381	344	-21.0015446	-0.6408170
259	-24.7477680	-1.0700718	302	-22.9888704	-0.9092202	345	-20.9358715	-0.6293956
260	-24.7420988	-1.0668322	303	-22.8708492	-0.9006541	346	-20.8873305	-0.6246367
261	-24.7211180	-1.0548432	304	-22.8181635	-0.8757276	347	-20.7988145	-0.6046492
262	-24.6954199	-1.0348557	305	-22.7823332	-0.8587756	348	-20.7750469	-0.5983435
263	-24.6729291	-1.0357208	306	-22.6966726	-0.8616310	349	-20.7055396	-0.5799028
264	-24.6706735	-1.0358075	307	-22.6955167	-0.8694913	350	-20.6198791	-0.5570600
265	-24.6468789	-1.0529397	308	-22.6871548	-0.9263523	351	-20.5532541	-0.5427832
266	-24.6173735	-1.0358075	309	-22.7021356	-0.9422695	352	-20.4599793	-0.5180368
267	-24.6107111	-1.0120129	310	-22.7023833	-0.9425327	353	-20.3914508	-0.5047118
268	-24.5469415	-1.0043986	311	-22.7157083	-0.9691826	354	-20.2743813	-0.4675922
269	-24.5536040	-1.0272415	312	-22.7071053	-0.9808827	355	-20.2020457	-0.4457012
270	-24.5650254	-1.0529397	313	-22.6919137	-1.0015433	356	-20.1525529	-0.4409423
271	-24.5650254	-1.0824450	314	-22.6081567	-1.0082058	357	-20.1259029	-0.4457012

<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>	<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>	<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>
358	-20.0983012	-0.4504601	401	-18.5335676	-0.1068660	444	-17.2791158	0.2319693
359	-20.0535673	-0.4333280	402	-18.5173547	-0.0960573	445	-17.2315266	0.2262586
360	-20.0354834	-0.4171477	403	-18.5123042	-0.0926903	446	-17.1820338	0.2319693
361	-20.0069299	-0.4000156	404	-18.5107248	-0.0916374	447	-17.1420588	0.2510050
362	-19.9726657	-0.3981120	405	-18.4859784	-0.0821196	448	-17.1268303	0.2776549
363	-19.9431603	-0.3847870	406	-18.4777502	-0.0829424	449	-17.1363481	0.2985942
364	-19.9088961	-0.3733656	407	-18.4760312	-0.0831143	450	-17.1150060	0.3185136
365	-19.8632105	-0.3686067	408	-18.4479070	-0.0859267	451	-17.1077946	0.3252442
366	-19.8394158	-0.3628960	409	-18.3803304	-0.0821196	452	-17.0583018	0.3309549
367	-19.8118141	-0.3524263	410	-18.3508250	-0.0668910	453	-17.0183269	0.3461834
368	-19.7718391	-0.3533781	411	-18.2861037	-0.0450000	454	-16.9440877	0.3595084
369	-19.7204428	-0.3391013	412	-18.2204306	-0.0221571	455	-16.8888842	0.3766405
370	-19.7111859	-0.3319015	413	-18.2134256	-0.0171536	456	-16.8482317	0.3717129
371	-19.7033107	-0.3257764	414	-18.1871181	0.0016375	457	-16.8260664	0.3690262
372	-19.6673113	-0.3164862	415	-18.1528539	0.0206732	458	-16.7918022	0.3576048
373	-19.6443000	-0.3105478	416	-18.1490477	0.0259066	459	-16.7594415	0.3595084
374	-19.6301963	-0.3090632	417	-18.1376253	0.0416124	460	-16.7386597	0.4026706
375	-19.6081322	-0.3067407	418	-18.1109754	0.0454195	461	-16.7346951	0.4109048
376	-19.5424591	-0.3010300	419	-18.0976504	0.0625517	462	-16.7175630	0.4299404
377	-19.4863038	-0.2991264	420	-18.0929302	0.0845790	463	-16.6547452	0.4508797
378	-19.4862398	-0.2991308	421	-18.0919397	0.0892016	464	-16.5557597	0.4527833
379	-19.4311003	-0.3029335	422	-18.0514486	0.0940606	465	-16.5404827	0.4520889
380	-19.4377628	-0.3324389	423	-18.0443505	0.0949123	466	-16.5138811	0.4508797
381	-19.4481116	-0.3464097	424	-18.0500612	0.0720695	467	-16.5073013	0.4410100
382	-19.4567985	-0.3581370	425	-18.0024719	0.0758767	468	-16.5043544	0.4365895
383	-19.4263414	-0.3609924	426	-17.9605934	0.0949123	469	-16.4986526	0.4280369
384	-19.4120646	-0.3467156	427	-17.8406686	0.1215623	470	-16.4713381	0.4305976
385	-19.3302112	-0.3324389	428	-17.7721401	0.1329837	471	-16.4377384	0.4337476
386	-19.2455024	-0.3200657	429	-17.7484158	0.1263936	472	-16.3939563	0.4375547
387	-19.1864917	-0.3000782	430	-17.7378759	0.1234659	473	-16.3444635	0.4375547
388	-19.1132043	-0.2905603	431	-17.6535564	0.1422035	474	-16.3254278	0.4432654
389	-19.0770923	-0.2796773	432	-17.6350832	0.1463087	475	-16.2492851	0.4489761
390	-19.0437241	-0.2696211	433	-17.6321382	0.1457732	476	-16.2416708	0.4832404
391	-19.0104116	-0.2524890	434	-17.5932047	0.1386944	477	-16.1902744	0.4889511
392	-18.9152332	-0.2334533	435	-17.5721965	0.1557635	478	-16.1614530	0.5004797
393	-18.8570271	-0.2142968	436	-17.5627476	0.1634408	479	-16.1522031	0.5041796
394	-18.8400422	-0.2087069	437	-17.5061609	0.1667694	480	-16.1122281	0.5327332
395	-18.7991155	-0.1963337	438	-17.4980262	0.1672480	481	-16.0341818	0.5289260
396	-18.7534298	-0.1753944	439	-17.4953944	0.1685639	482	-16.0040498	0.5289260
397	-18.7010817	-0.1573105	440	-17.4561477	0.1881872	483	-15.9523283	0.5289260
398	-18.6553960	-0.1458891	441	-17.4256906	0.2015122	484	-15.9104498	0.5251189
399	-18.6192282	-0.1401784	442	-17.3781014	0.2034158	485	-15.8704749	0.5289260
400	-18.5754462	-0.1297088	443	-17.3228979	0.2224514	486	-15.8381142	0.5441546

<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>	<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>	<i>Points</i>	<i>Longitude</i>	<i>Latitude</i>
487	-15.7829107	0.5460581						
488	-15.7804302	0.5485387						
489	-15.7433035	0.5282108						

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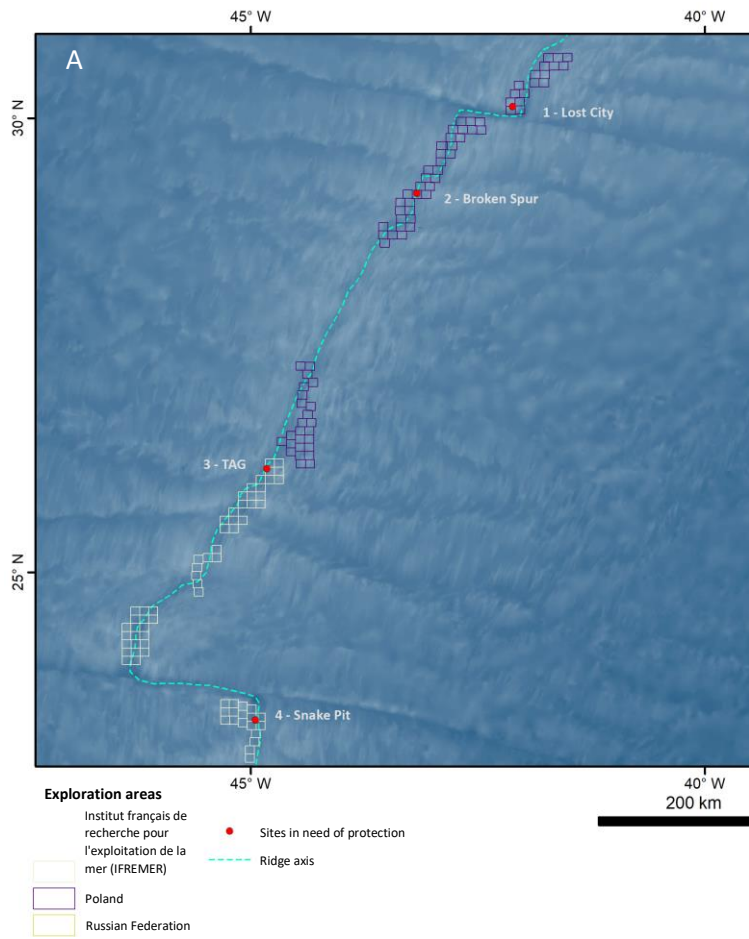
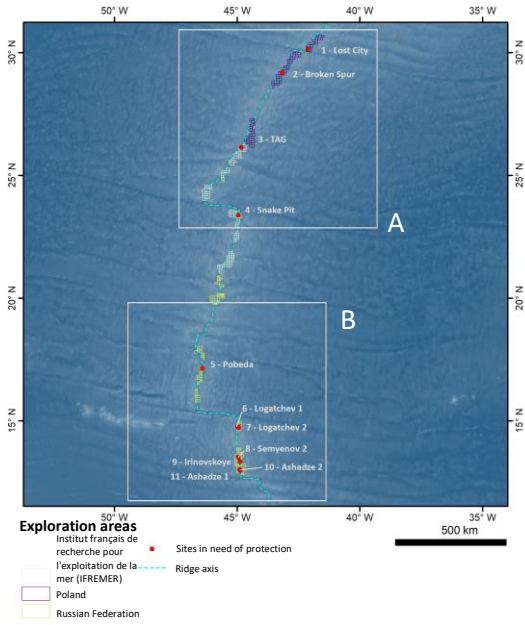
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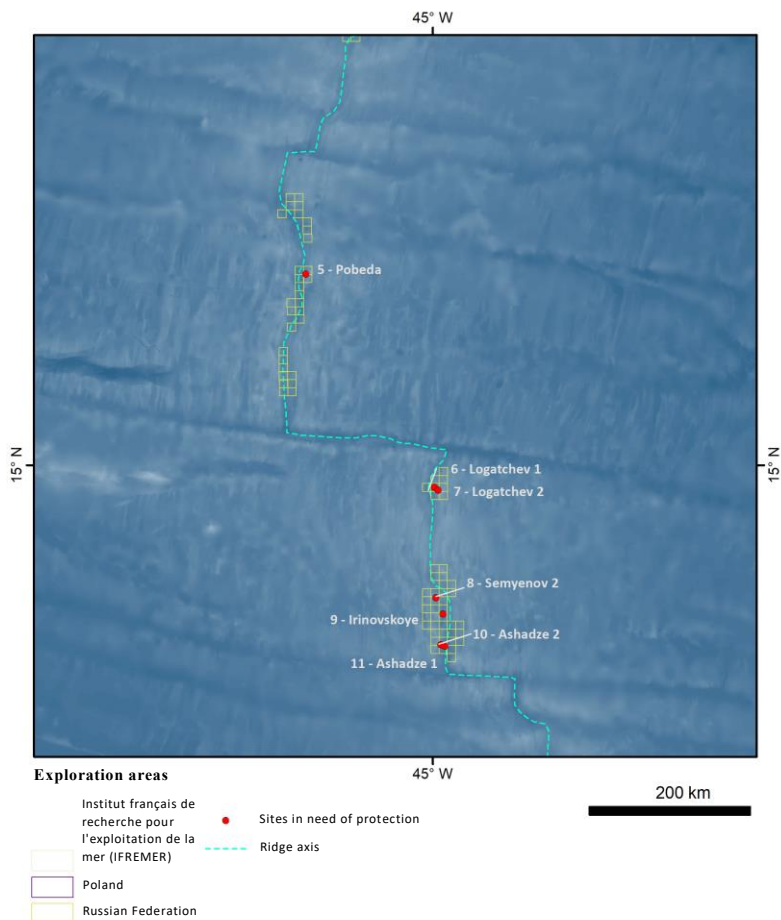
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Annex II

List of sites in need of protection, with coordinates

Maps of sites in need of protection





I. Hydrothermal vents: background

1. Sites in need of protection are designed to preserve specific examples of ecosystems and habitats that are vulnerable to disruption or impact from human activities. Currently, only active hydrothermal vents have been identified as regionally important ecosystem features in potential need of fine-scale site protection. A total of 11 sites along the Mid-Atlantic Ridge have been identified, some of which have been the subject of research by the scientific community as well as by contractors. Some sites have been the focus of a decade's or longer-term study. In addition, a further 12 inferred sites have been identified but not investigated. Currently, no other fine-scale sites have been detected and assessed (for example, coral gardens, sponge biogenic habitats, sediment habitats).

II. Description of sites in need of protection¹⁵

1. Lost City – Node ID 967

2. The Lost City hydrothermal site was discovered in 2000 (Kelley and others, 2001 and 2005; Blackman and others, 2001) on the Atlantis Massif (an oceanic core complex), 30°North, Mid-Atlantic Ridge, bounded to the south by the Atlantis Fracture Zone. It remains to date a singular site among hydrothermal systems, characterized by diffusely venting, low-temperature (90 Celsius maximum) carbonate monoliths (30–60 m in height) on a relatively shallow (720–800 m) region of the Mid-Atlantic Ridge. The site is located on 1.5-Myr-old crust, nearly 15 km from the spreading axis. Fluids emanating from the seabed are dominated by heat and products of exothermic serpentinization of peridotite (ultramafic rock) rather than seawater-basalt reactions. Fluids emanating from Lost City are alkaline (pH 9 to 11), hydrogen- and methane-rich, and devoid of dissolved metals. The fauna of Lost City vents is visually dominated by wreckfish (*Polyprion americanus*), cutthroat eels (*Synaphobranchus kaupii*) and large geryonid crabs (Kelley and others, 2005). Lost City hydrothermal vents are posited as a contemporary analogue for conditions where life on early Earth may have originated (Sojo and others, 2016), where there is abiogenic production of organic carbon (Proskurowski and others, 2008) and where there are conditions similar to those that might support life within oceans of extraterrestrial planetary bodies (Judge, 2017). Lost City was also recognized as a potential site of outstanding universal value in the high seas (Freestone and others, 2016).

Location

Latitude: 30.1250

Longitude: -42.1183

Number of vent sites within vent field: 4

See: <https://vents-data.interridge.org/ventfield/lost-city>

2. Broken Spur – Node ID 663

3. Broken Spur comprises at least three hydrothermally active (365°C) mounds (up to 40 m high) and two weathered sulfide mounds on the neovolcanic ridge of the rift valley (3,100 m). Venting fluids are clear, with diffuse (50°C) venting at the base of chimneys (Murton and others, 1994 and 1995; Vereshchaka and others, 2002). Quantitative studies of vent communities at Broken Spur have been reported in Rybakova and Galkin (2015) and Copley and others (1997). No change in shrimp density was detected at an interval of 15 months (Copley and others, 1997). Broken Spur differs from other vent sites on the Mid-Atlantic Ridge in that the hydrothermal fluids have elevated sulfide concentrations and low methane concentrations (Desbruyères and others, 2000).

4. The shrimp *Rimicaris exoculata* occurs in low densities, with the exception of larger populations at one structure (Copley and others, 1997). Other dominant taxa endemic to discrete active hydrothermal vents on the Mid-Atlantic Ridge include crabs (*Segonzacia mesatlantica*), nematodes, limpets and anemones (*Parasicyonis ingolfi*). Perhaps the most unique feature of the Broken Spur hydrothermal field is

¹⁵ The following descriptions are summaries of those contained in appendix 1 to annex X to the Report of the Workshop on the Regional Environmental Management Plan for The Area of the Northern Mid-Atlantic Ridge, available at https://www.isa.org/jm/files/files/documents/Evora%20Workshop_3.pdf.

that it is a zone in which two species of mussels (the northern species *Bathymodiolus azoricus* and the southern species *B. puteoserpentis*) overlap and in which they hybridize (O'Mullan and others, 2001; Breusing and others, 2016). Broken Spur is characterized by a high diversity of microhabitats with diverse gradients of temperature, fluid flux and mineral substrata (Murton and others, 1994 and 1995; Copley, 1997). The mussel species at Broken Spur are bioengineers that host associated invertebrate assemblages (Rybakova and Galkin, 2015).

Location

Latitude: 29.1700

Longitude: -43.1717

Number of vents: at least three mounds

See: <https://vents-data.interridge.org/ventfield/broken-spur>

3. TAG – Node ID 1181

5. The basalt-hosted TAG active hydrothermal vent site is to date the largest known sulfide occurrence on the mid-Atlantic ridge system at a nominal depth of 3,500 m (Karson and others, 2015). It is a complex environment, with high-temperature black-smoker complexes and a large apron with lower-temperature, diffuse flow. The site has been supported by hydrothermal activity for at least 150,000 years, with episodic high-temperature activity lasting tens to hundreds of years (Lalou and others, 1990 and 1995). In addition to the hydrothermally active TAG mound, there are numerous inactive or extinct sulfide mounds, recently mapped by Murton and others (2019). Biomass at the active TAG site is dominated by dense aggregations of “blind” shrimp (*Rimicaris exoculata*) on black-smoker chimneys. There is a large literature on the feeding strategies of these shrimp, their derived eyes modified for detecting dim sources of light, and their reproductive biology and connectivity. On the lower-temperature, sulfide apron, there are abundant shrimp-eating anemones (*Maractis rimicarivora*). Mussels are so far absent at the active TAG mound (Galkin and Moskalev, 1990), although they are found at every other known active vent on the northern Mid-Atlantic Ridge. Because the active TAG mound hosts large (Van Dover and others, 1988; Gebruk and others, 1993; Copley and others, 2007) and stable (Copley and others, 1997 and 2007) populations of *Rimicaris exoculata* and *Maractis rimicarivora* (Copley and others, 1997), these populations are considered to be important source populations for their respective metapopulations, i.e., the site is important as a reproductive area.

Location

Latitude: 26.1367

Longitude: -44.8267

See: <https://vents-data.interridge.org/ventfield/tag>

4. Snake Pit – Node ID 1128

6. The Snake Pit hydrothermal field, located at the summit of Snake Pit Ridge, was so named because of the abundance of synphobranchid cutthroat eels (*Ilyophis saldanhai*) observed during an *Alvin* dive in 1986. The high-temperature field was first discovered during an Ocean Drilling Programme site-survey cruise in 1985 (Karson and others, 1987) and was further explored by geologists during a French submersible dive series in 1988 (Gente and others, 1991). Snake Pit is located 25 km south of the Kane fracture. The valley has a depth of 3,800 m and a width of 15 km

and the seafloor is composed of tectonized basaltic lava (Karson and others, 1987). The graben formation occurred 2,850 to 2,500 years ago, the most ancient sulphides being approximately 4,000 years old (Lalou and others, 1995). Thus, Snake Pit is much younger than the TAG vent field. The vent field is located on the southern flank of the highest volcanic cone. It is composed of three mounds. Covering an area of 45,000m², the field is divided in distinct zones, all of which are characterized by the presence of a large talus mound of several metres on top of which active and extinct vents are perched (Fouquet and others, 1993; Honnorez and others, 1990). The most active mound and the larger sulphide deposits are the most eastern one; it was drilled during Ocean Drilling Programme leg 106 (Fouquet and others, 1993). Snake Pit is particularly remarkable for its high geochemical and mineralogical diversity (Fouquet and others, 1993; Honnorez and others, 1990; Kase and others, 1990).

7. The active zone had at least 12 active structures separated by a talus of intact inactive chimneys, massive sulphide blocks and deposits of hydrothermal sediments (Karson and others, 1987; Karson and Brown, 1988). High-temperature (366°C) fluids are vented from black-smoker chimneys and low-temperature (226°C) fluids seep from sulphide domes (Karson and Brown, 1988).

8. Located ~300 km south of TAG, Snake Pit has four known active sites: Moose (Elan), Beehive (Les Ruches), Fir Tree (Le Sapin) and Nail (Le Clou), an active site that is not well characterized (La Falaise) as well as several low-temperature sites. The major venting activity of the field is found at Les Ruches (100 m²). This mound harbours a complex of several active sulphide structures (~>10 m high) as well as inactive chimneys. Elan (3,500 m, 80 m²) is particularly distinctive, with the presence of chimneys with vertical conduits as well as large beehives and flanges that make it resemble moose antlers; this type of structure is not reported anywhere else. On the centre of the vent field, Le Sapin (a few m²) is a 22-metre-high mound characterized by low-temperature diffuse flow areas. On the western part, Le Clou (40 m²) and La Falaise constitute a large north-south area of ~130 m to 160 m, with an elevation of 65 m.

9. Relative to TAG, the Snake Pit sulphide mounds are small, but the surfaces of high-temperature chimneys are occupied by dense populations of *Rimicaris exoculata* shrimp (Segonzac, 1992). Three other species of shrimp have also been observed (*Rimicaris chacei*, *Mirocaris fortunata*, *Alvinocaris markensis*). Shrimp nurseries as well as areas of gastropod egg layouts have been observed (Sarrazin, pers. obs.). Unlike TAG, Snake Pit hosts mussels (*Bathymodiolus puteoserpentis*) whose distribution is restricted to Elan and Le Clou (Vereshchaka and others, 2002). Dense assemblages of peltospirid gastropods can be found in high-temperature habitats (Sarrazin and others, in prep). *Phymorhyncus* gastropods, anemones and ophiurids colonize the less active zones, at the base of the active sites. Zoarcid fish (*Pachycara thermophilum*) are particularly abundant (Sarrazin, pers. obs.). A description of the Snake Pit biological community was first provided by Segonzac and others (1992) and a quantitative study of biodiversity associated with Snake Pit mussel beds was reported by Turnipseed and others (2003). Like other active vent sites on the Mid-Atlantic Ridge, Snake Pit has been repeatedly visited by scientists, partly owing to its location within the contract area sponsored by France (Bicose cruises in 2014 and 2018; Hermine cruise in 2017). Recent biological studies were focused on connectivity (Breusing and others, 2016), physiological tolerances (Ravaux and others, 2019), microbial symbionts (Zbinden and others, 2017; Apremont and others, 2018) and trace metals (Demina and Galkin, 2016).

Location

Latitude: 23.3683

Longitude: -44.9500

Number of vent sites within vent field: 4

See: <https://vents-data.interridge.org/ventfield/snake-pit>

5. Pobeda

Introduction

10. During video profiling in this area, indications of modern hydrothermal activity were recorded. Extensive fields of shells of *Bathymodiolus puteoserpentis* and *Thyasira* sp. were discovered and samples of bivalves were taken using the TV-grab and geological square corer.

Location

Pobeda 1

Depth: 1,950–2,400

Latitude: 17.145

Longitude: -46.408

Pobeda 2

Depth: 2,800–3,100

Latitude: 17.138

Longitude: -46.403

6. Logatchev 1 – Node ID 960

11. The Logatchev-1, depth 2,900 to 3,050 m, formerly known as “14-45”, was discovered in 1993–1994 during the seventh cruise of the research vessel *Professor Logatchev* (Batuyev and others, 1994). The Logatchev-1 area extends over approximately 600 m in the north-west south-east direction and comprises at least nine hydrothermal sites of various sizes and types (listed from north-west to south-east): Quest, Anya’s Garden, Irin-2, Site F, Site B, Irina-1, Candelabra, Anna-Louise and Site A (Borowski and others, 2008; Fouquet and others, 2008). The major geological peculiarities of the Logatchev-1 hydrothermal system include its association with gabbro-peridotites, location close to the top of the rift wall and development of “smoking craters”. The variety of habitats includes active chimney complex (Irina II), “smoking crater” (Anna-Louise), large sulphide body (Irina I) and diffuse flow sites (Anya’s Garden and Site F).

12. The Logatchev vent community was described by Gebruk and others (2000). Van Dover and Doerries (2005) published a quantitative study on the mussel beds. The analysis of the symbioses between bivalves (*Bathymodiolus*, *Thyasira* and *Abyssogena*) and bacteria, based on histological observations (transmission electron microscopy), and nitrogen and carbon stable isotopes, was published by Southward and others (2001). The most striking biological feature of this hydrothermal field is the existence of a large population of vesicomid clams at the Anya’s Garden site, together with small populations of thyasirids *Thyasira* (*Parathyasira*) and mussels *Bathymodiolus puteoserpentis*. This is the only known live population of vesicomids north of the equator on the Mid-Atlantic Ridge. The clams were referred to as *Ectenagena* aff. *kaikoi* in Gebruk and others (2000) but appeared to belong to the new genus and species *Abyssogena southwardae* (Krylova and others, 2010). The biomass on the mussel bed at Irina-2 exceeded 70 kg m² (wet weight with shells) and was the highest known for the Mid-Atlantic Ridge vent fields (Gebruk and others, 2000). Overall, the Logatchev area is dominated by mussels, which may be attributed to the presence in their gills of two types of symbionts: methane-oxidizing (dominant type) and sulphur-oxidizing (Southward and others, 2001). The large swarm of *Rimicaris exoculata* is a characteristic of the Irina-2 chimney complex. Prominent features of

the Logatchev field include the quantitative abundance of brittle stars *Ophioctenella acies* (at the Irina-2 site, their contribution to the abundance exceeds 80 per cent (Van Dover and Doerries, 2005)) and a high biomass and density of the species of *Phymorhynchus* (*P. moskalevi*, *P. ovatus* and *P. carinatus*) (Gebruk and others, 2010).

13. Community dynamics over a decadal scale at Logatchev were studied by Gebruk and others (2010). The most significant change in the community was at Irina-2, based on a comparison of data from March 2007 and July 1997. The population density of predatory gastropods *Phymorhynchus* spp. increased dramatically – more than four times. Some increase in the abundance of the brittle star *Ophioctenella acies* also was noted. Over the same 10-year period, the population of vesicomysids at Anya's Garden disappeared, with no signs of recovery in the whole area of Logatchev-1 (Gebruk and others, 2010).

Location

Latitude: 14.7520

Longitude: -44.9785

Number of vent sites within vent field: 10

See: <https://vents-data.interridge.org/ventfield/logatchev>

7. Logatchev 2 – Node ID 961

14. Logatchev-2 lies 5.5 km south-east of Logatchev-1 at the depth of 2,640 to 2,760 m. This area was also discovered in 1993–1994 concurrent with Logatchev-1 (Batuyev and others, 1994).

15. An extensive field (several tens of metres across) of dead mussel shells (*B. puteoserpensis*) was found on the slope of the mound that had a weakly active chimney on top expelling shimmering water. The mussel shells still had their periostracum, indicating a recent catastrophic collapse of a large population, apparently as a result of a rapid slowing down of the hydrothermal activity. Only a few live mussels, as well as shrimps *Chorocaris chacei* and *Mirocaris fortunata*, were recorded on the single active chimney (Gebruk and others, 2010).

Location

Latitude: 14.7200

Longitude: -44.9380

Number of vent sites within vent field: 1

See: <https://vents-data.interridge.org/ventfield/logatchev-2>

8. Semyenov-2 – Node ID 1122

16. This field was discovered on the thirtieth cruise of research vessel *Professor Logatchev*, in 2007 (Bel'tenev and others, 2007). It includes five vent sites and one of them, Semenov-2, is active (Bel'tenev and others, 2009). Distance from the ridge axis varies from 0.5 km (Semenov-4) to 10.5 km (Semenov-1) (Cherkashov and others, 2017). The active site Semenov-2 is located 3.5 km from the axis at the depth of 2,360 to 2,580 m and is related to basalts. This site consists of two deposits (sulfide mounds and products of their disintegration). The dimensions of the deposits are 600 x 400 m and 200 x 175 m, respectively. Age estimations of the site vary from 3.1 to 76 ka years (Cherkashov and others, 2017).

17. Information on biota comes from the only one TV-grab station (Station 275) taken at 13°30.82'North, 44°57.78'West, at a depth of 2,441 m. At least 12 taxa were

preliminary identified in this sample, including the mussel *Bathymodiolus puteoserpentis*, the gastropod *Phymorhynchus ovatus*, polychaetes *Amathys lutzi* and *Levensteiniella* sp., the pycnogonid *Sericosura heteroscela*, shrimps *Alvinocaris markensis* and *Opaepele susannae*, the crab *Segonzacia mesatlantica* and the brittle star *Ophioctenella acies* (Bel'tenev and others, 2009).

18. Of special interest is the record of the shrimp *O. susannae* (six specimens in the sample). This species has been described on the Mid-Atlantic Ridge from two locations south of the equator: Lilliput (9°32'South, 1,500 m) and Sisters Peak (4°48'South, 2,986 m) (Komai and others, 2007). The new record of *O. susannae* north of the equator is important for understanding relationships of hydrothermal vent fauna north and south of the equator on the Mid-Atlantic Ridge.

Location

Latitude: 13.5137

Longitude: -44.9630

Number of vent sites within vent field: 5

See: <https://vents-data.interridge.org/ventfield/semyenov>

9. Irinovskoe – Node ID 982 (former Mid-Atlantic Ridge, 13 19'North oceanic core complex)

19. The Irinovskoe hydrothermal field, explored during ROV (remotely operated vehicle) dives 553 and 557, is located on the northern region of the 13°20' North corrugated surface, 1.8 km from the footwall cutoff in the direction of extension. Coalescing mounds rise up to 10 to 20 m above the surrounding seafloor, masking corrugations of the detachment surface over an area 300 to 200 m in the across- and along-extension directions, respectively. During two ROV dives, two active vents at the summit of hydrothermal mounds, Active Pot and Pinnacle Ridge, were identified. Both show black-smoker fluids venting at 365 C from 1 to 2 metre-high cauldron-shaped structures with large exit orifices (several decimetres in diameter), clearly associated with very elevated heat and mass fluxes. Associated macrofauna was not observed in the initial explorations, while bacterial mats and diffuse lower-temperature outflow were limited to the immediate vicinity of these two active vents. The nearby hydrothermal mounds show both fallen and standing hydrothermal chimneys, up to 10 m in height (Escartin and others, 2017).

Location

Latitude: 13.3333

Longitude: -44.9000

See: <https://vents-data.interridge.org/ventfield/mar-13-19n-occ>

10. Ashadze 2 – Node ID 647

20. The Ashadze 2 site was discovered by monitoring anomalies in the electric potential (EP) recorded by the deep-towed Rift system during a 2003 cruise (Fouquet and others, 2008). There is a black-smoker field on serpentinized peridotites, 2.5 miles north-west of Ashadze 1. The Ashadze 2 field lies in the northern part of a wide terrace and has a small active crater with a mixture of carbonates and copper-rich sulfides. Fouquet and others (2008) state: "On the Ashadze 2 site, a large group of smokers occurs, in a crater-shaped depression, about 25 m in diameter at the bottom of the graben structure. This constructional structure may indicate the sometimes-explosive nature of the hydrothermal fluid emissions." Two types of hydrothermal

deposits have been observed: massive copper-rich sulfides associated with the black smokers and carbonate/sulfides chimneys (Fouquet and others, 2007). Data from scientific surveys show that “the Ashadze 2 field is unusual; the small active crater can be interpreted as a hydrothermal volcano built up with a mixture of carbonates and secondary copper sulfides and copper chlorides. Massive sulfide chimneys are associated with the active smokers at the center of the crater.” (Fourquet and others, 2008). This unusual system may provide valuable insights into the functional dynamics of hydrothermal vent systems.

No biological data are yet available.

Location

Latitude: 12.9917

Longitude: -44.9067

See: <https://vents-data.interridge.org/ventfield/ashadze-2>

11. Ashadze 1 – Node ID 646

21. Ashadze-1 (12° 58'North, 44° 51'West, 4,080 m) is the deepest known active hydrothermal vent field on the Mid-Atlantic Ridge. The Ashadze-1 hydrothermal vent site is organized around a group of three very active black-smoker vents. The 2-metre-high “Long chimney” is located at the top of a small mound (Fabri and others, 2011). There is a high diversity of microhabitats, with a complex of sulphide structures, high fluid-flow/diffuse-flow habitats that provide essential temperature/fluid/substrata gradients for hydrothermal vent faunal communities (ibid.). This is a black-smoker field on serpentinized peridotites, at the foot of the western slope of the Mid-Atlantic Ridge rift valley, and is the deepest active black-smoker field known as of 2009 (see <https://vents-data.interridge.org/ventfield/ashadze>).

22. The first observations on this site were numerous clear and black smokers and surprisingly few known symbiotic species dominant in other vent areas on the Mid-Atlantic Ridge. The most abundant species at Ashadze-1 are those usually found at the periphery of hydrothermal communities: sea anemones *Maractis rimicarivora* and chaetopterid polychaetes *Phyllochaetopterus* sp. Nov. (ibid.). As the deepest vent field on the Mid-Atlantic Ridge vent field, this site hosts a significant source population of hydrothermal vent fauna at depth (ibid.), maintaining connectivity along deeper sections of the Ridge. The site hosts abundant populations of the amphinomid polychaete *Archinome* sp. and scale worms (Polynoidae) such as *Iphionella* sp. and *Levensteiniella iris*. Two species of *Phymorhynchus* (gastropod) are also present and are considered as predators of other mollusks or necrophagous. Pycnogonids were also collected at the base of the chimneys. The carnivorous/necrophagous level is also represented by the crab *Segonzacia mesatlantica* and by the zoarcid fish *Pachycara thermophilum*. Some galatheids are also present (Fouquet and others, 2008). Ashadze-1 could be the stepping stone in species dispersal along the Mid-Atlantic Ridge between Logatchev and areas south of the equator (ibid., 2011).

Location

Latitude: 12.9733

Longitude: -44.8633

See: <https://vents-data.interridge.org/ventfield/ashadze>

Geographical Information System coordinates for sites in need of protection

<i>Site in need of protection</i>	<i>Longitude</i>	<i>Latitude</i>
Lost City	-42.1183000	30.1250000
Broken Spur	-43.1717000	29.1700000
TAG	-44.8267000	26.1367000
Snake Pit	-44.9500000	23.3683000
Pobeda	-46.4166670	17.1333330
Logatchev 1	-44.9785000	14.7520000
Logatchev 2	-44.9380000	14.7200000
Semyenov 2	-44.9630000	13.5137000
Irinovskoe	-44.8833330	13.3333330
Ashadze 2	-44.9067000	12.9917000
Ashadze 1	-44.8633000	12.9733000

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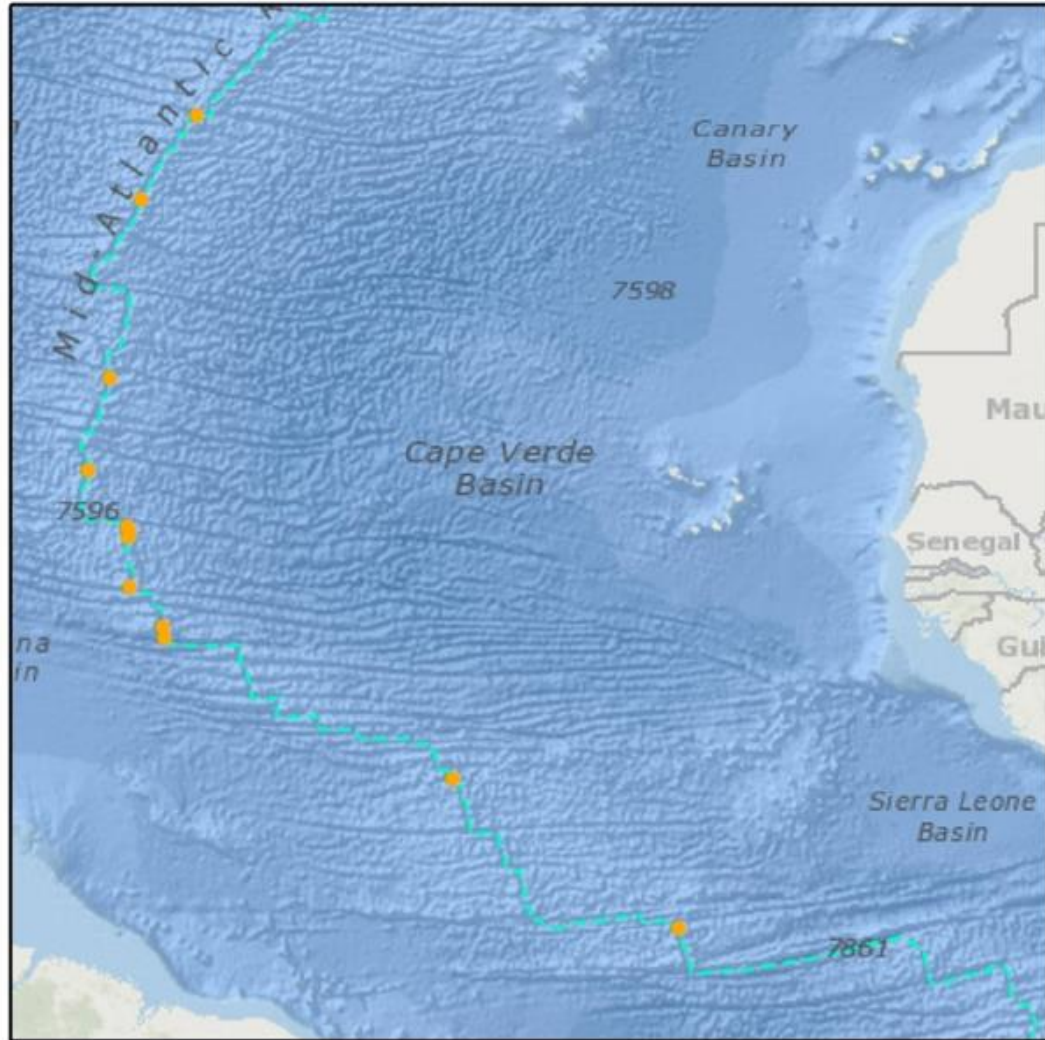
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Annex III

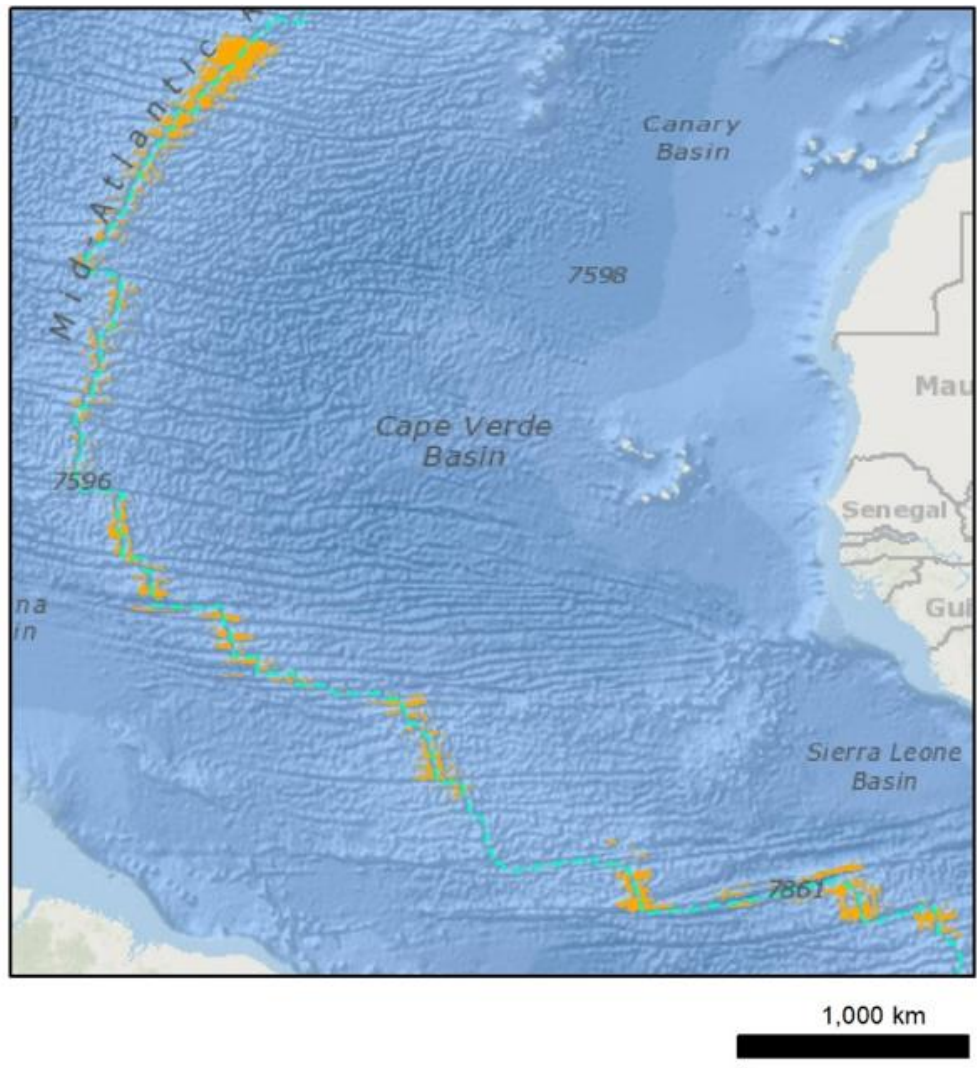
Sites and areas in need of precaution

Sites in need of precaution (inferred active sites)



<i>Site in need of precaution</i>	<i>Longitude</i>	<i>Latitude</i>
Mid-Atlantic Ridge, 30°North	-42.5000000	30.0333000
Mid-Atlantic Ridge, 27°North	-44.5000000	27.0000000
Puy des Folles	-45.6417000	20.5083000
Mid-Atlantic Ridge, 17°09'North	-46.4200000	17.1500000
Mid-Atlantic Ridge, south of 15°20'North fracture zone	-45.0000000	15.0833000
Mid-Atlantic Ridge, 14 54'North	-44.9000000	14.9200000
Logatchev 3	-44.9667000	14.7083000
Neptune's Beard	-44.9000000	12.9100000
Mid-Atlantic Ridge, 11°26'North	-43.7035000	11.4482000
Mid-Atlantic Ridge, 11°North	-43.6483000	11.0380000
Markov Deep	-33.1800000	5.9100000
Mid-Atlantic Ridge, segment south of St. Paul system	-25.0000000	0.5000000

Areas in need of precaution (Octocoral habitat suitability: Ridge area)



Annex IV

Scientific criteria applied for the identification and description of area-based management tools in the northern Mid-Atlantic Ridge

The criteria below are adopted from the criteria developed by other component international organizations; for details, see the report of the workshop held in Evora, Portugal, from 25 to 29 November 2019.¹⁶

- **Uniqueness or rarity.** An area or ecosystem that is unique or that contains rare species whose loss could not be compensated for by similar areas or ecosystems. These include (a) habitats that contain endemic species; (b) habitats of rare, threatened or endangered species that occur only in discrete areas; (c) nurseries or discrete feeding, breeding or spawning areas.
- **Functional significance of the habitat.** Discrete areas or habitats that are necessary for: (a) the survival, function, spawning/reproduction, or recovery of species; (b) particular life history stages (for example, nursery grounds or rearing areas); (c) rare, threatened or endangered marine species.
- **Structural complexity.** An ecosystem that is characterized by complex physical structures created by significant concentrations of biotic and abiotic features. In such ecosystems, ecological processes are usually highly dependent on these structured systems. Further, such ecosystems often have high diversity, which is dependent on the structuring organisms.
- **Special importance for connectivity.** Areas that are required for a population to survive and thrive.
- **Vulnerability, fragility, sensitivity or slow recovery.** Areas that contain a relatively high proportion of sensitive habitats, biotopes or species that are functionally fragile (highly susceptible to degradation or depletion by human activity or by natural events) or with slow recovery.
- **Biological productivity.** Area containing species, populations or communities with comparatively higher natural biological productivity.
- **Biological diversity.** Area contains comparatively higher diversity of ecosystems, habitats, communities or species or has higher genetic diversity.
- **Naturalness.** Area with a comparatively higher degree of naturalness as a result of the lack of or low level of human-induced disturbance or degradation.

¹⁶ https://www.isa.org/jm/files/files/documents/Evora%20Workshop_3.pdf.

Annex V

Summary of knowledge gaps, research priorities, actions and responsibilities under paragraph 53 of the regional environmental management plan

Knowledge gaps	Research priorities	Actions needed	Lead International Seabed Authority organ	Supporting International Seabed Authority organ	Indicative timeline
<p>Regional-scale research needed to enhance a comprehensive understanding of the regional environmental baseline and spatial and temporal variations (paragraph 53, section A)</p> <p>Designed to support the achievement of the region-specific goals and operational objectives under section VII</p>					
<p>Bathymetry, geology and regional-scale mapping</p>	<p>Collate data and information from different sources, including the DeepData database, to develop regional-scale knowledge of bathymetry and geology.</p>	<p>Continue discussions with contractors and competent international organizations to establish how such data already in the DeepData database and from other sources could be used to address this gap</p>	<p>Secretariat</p>	<p>Long-term, continuous efforts</p>	
<p>Oceanography</p>	<p>Elucidate deep-water circulation through the ridge</p> <p>Temporal observations will also be important.</p>	<p>Continue to establish how such data already in the DeepData database and from other sources could be used.</p> <p>Encourage contractors to enhance sampling efforts and collaborate with each other and with scientific communities.</p>	<p>Secretariat</p>	<p>Long-term, continuous efforts</p>	
<p>Regional patterns of biodiversity</p>	<p>Practical first steps at this scale may focus on basic ecological matrices and on a compilation of available regional data on taxa linked to spatial, temporal and environmental variables.</p> <p>Species distribution models at the regional scale should be developed for a range of taxa for which there is adequate information on distribution or abundance/biomass.</p>	<p>Establish how such data already in the DeepData database and from other sources could be used to address this gap.</p>	<p>Legal and Technical Commission</p>	<p>Secretariat</p> <p>Long-term, continuous efforts</p>	

<i>Knowledge gaps</i>	<i>Research priorities</i>	<i>Actions needed</i>	<i>Lead International Seabed Authority organ</i>	<i>Supporting International Seabed Authority organ</i>	<i>Indicative timeline</i>
Population connectivity	Initial efforts may focus on validating existing connectivity models. A standardized approach can be established using suitable indicator species for regional analyses of connectivity.	Identify groups of species that could serve as indicators and develop appropriate analytical methodologies.	Legal and Technical Commission	Secretariat	Long-term, continuous efforts
Migratory corridors of seabirds, marine mammals, sea turtles or other large animals	May focus on mapping key habitats that serve as feeding and breeding grounds. Potential impacts from light and underwater noise or plumes on migration corridors and key habitats should be assessed.	Establish how such data already in the DeepData database and from other sources could be used. Collaborate with experts to develop sensitivity maps.	Legal and Technical Commission	Secretariat	Long-term, continuous efforts
Trophic connectivity/relationships	May focus on measurements at different trophic levels.	Enter into discussions with contractors, scientific communities and competent international and regional organizations to establish how new sampling and data already in the DeepData database and from other sources could be used to address this gap.	Secretariat	Legal and Technical Commission	Long-term, continuous efforts
Ecosystem function	Develop a model for ecosystem function at the scale of the Mid-Atlantic Ridge. Studies on community structure may be an essential first step in better understanding relationships within the ecosystem, which may be followed by experimental studies on ecosystem tipping points.	Encourage the scientific community to collaborate with contractors to carry out research.	Secretariat		Long-term, continuous efforts

Knowledge gaps	Research priorities	Actions needed	Lead International Seabed Authority organ	Supporting International Seabed Authority organ	Indicative timeline
Resilience and recovery	Focus on the abundance or health of indicator species, changes in community profiles and biological traits linked to sensitivity.	Encourage the scientific community to carry out research to address this knowledge gap under the International Seabed Authority's Action Plan for Marine Scientific Research in support of the United Nations Decade of Ocean Science for Sustainable Development.	Secretariat		Long-term, continuous efforts
Risk analyses at the regional scale	Develop and apply frameworks and methodologies, such as cumulative impact analyses and scenario planning, to identify and assess risks, prepare mitigation action plans and establish key thresholds that trigger management actions.	Draw on existing approaches and schemes and develop a series of expert discussions.	Legal and Technical Commission	Secretariat	Before start of exploitation activities
Research to support area-based management (paragraph 53, section B)					
Designed to support the achievement of operational objectives for the area covered under the regional environmental management plan (section VII, paragraph 29)					
Habitat mapping (both physical and biological)	The range of habitats will need to be defined and then mapped within the regional environmental management plan region.	In collaboration with scientific communities, contractors and international and regional organizations, establish how such data already in the DeepData database and from other sources could be used to address this gap.	Legal and Technical Commission	Secretariat	Before start of exploitation activities
Area-based management tool networks	Incorporation of network criteria such as representativity and connectivity in the future development of the regional environmental management plan. The design of area-based management tool networks will be assessed against region-specific goals.	Lead expert discussions on the development and application of the network criteria.	Legal and Technical Commission	Secretariat	Before start of exploitation activities

<i>Knowledge gaps</i>	<i>Research priorities</i>	<i>Actions needed</i>	<i>Lead International Seabed Authority organ</i>	<i>Supporting International Seabed Authority organ</i>	<i>Indicative timeline</i>
Zoning scheme	Understand and design the size and characteristics of core, buffer and possibly other zones.	In collaboration with experts and contractors, develop a zoning system and prepare a clear description of the different zones (e.g., core and buffer) reflecting the contractors' activities, the environmental characteristics and the areal extent for each site and area in need of precaution.	Legal and Technical Commission	Secretariat	Before start of exploitation activities
Development of the criteria used to evaluate the status of sites and areas in need of precaution	Develop criteria to guide decisions where new scientific data on environmental characteristics, or faunal composition and abundance of sensitive ecosystems and communities, have been provided.	Expert discussions on the development and application of such criteria.	Legal and Technical Commission	Secretariat	Before start of exploitation activities
Better knowledge of sites in need of protection, areas in need of protection and sites and areas in need of precaution	Encourage joint surveys between contractors and scientific organizations. Record quantitative measurements of potential sensitive ecosystems through visual surveys in sites and areas in need of precaution.	Facilitate collaborative survey and scientific research efforts.	Legal and Technical Commission	Secretariat	Long-term, continuous efforts
Research to support non-spatial management (paragraph 53, section C)					
Designed to support the achievement of operational objectives for contract areas (section VII, paragraph 30)					
Behaviour, interaction and impact of natural and exploitation plumes	Physical and chemical characterization of natural hydrothermal plumes, as well as plumes from exploitation activities.	Encourage the contractors and scientific communities to carry out research.	Secretariat	Secretariat	Before start of exploitation activities

<i>Knowledge gaps</i>	<i>Research priorities</i>	<i>Actions needed</i>	<i>Lead International Seabed Authority organ</i>	<i>Supporting International Seabed Authority organ</i>	<i>Indicative timeline</i>
Underwater noise	<p>Monitor the activities and behaviour of marine larvae, fishes and marine mammals, to understand the impacts of noises and to inform the development of relevant thresholds.</p>	<p>Encourage collaboration between contractors and scientific communities.</p>	Secretariat		Before start of exploitation activities
Development of thresholds and their indicators and methodology	<p>Establish thresholds for acceptable levels of:</p> <ul style="list-style-type: none"> • Toxic contaminants and particulates generated in the benthic environment • Toxic contaminants in returned water • Particulate content of returned water; • Sediment dispersion, deposition and resuspension • Changes in ecological baseline of habitats • Cumulative impacts • Noise from vessels and any noise emitted in the water column and benthic environment • Light from vessels and in the benthic environment 	<p>Review and adapt, as appropriate, existing schemas on the development and use of thresholds in collaboration with competent international, regional and national organizations. Facilitate the engagement of experts through workshops and working groups to address this gap.</p>	Legal and Technical Commission	Secretariat	Before start of exploitation activities



Council

Distr.: General
26 July 2022

Original: English

Twenty-seventh session

Council session, part II
Kingston, 18–29 July 2022
Agenda item 14

Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-seventh session

Decision of the Council of the International Seabed Authority on the deferral of the schedule of relinquishment upon request by the Institut français de recherche pour l'exploitation de la mer

The Council of the International Seabed Authority,

Recalling that, on 18 November 2014, the Institut français de recherche pour l'exploitation de la mer entered into a 15-year contract for exploration for polymetallic sulphides with the Authority,

Recalling also regulation 27, paragraph 2, of the regulations on prospecting and exploration for polymetallic sulphides in the Area,¹ which refers to the schedule of relinquishments of the area allocated to contractors,

Noting that, according to such schedule, the Institut français de recherche pour l'exploitation de la mer is required to relinquish at least 50 per cent of the original contract area allocated to it by 18 November 2022, being the end of the eighth year from the date of the contract, and at least 75 per cent of the original contract area allocated to it by 18 November 2024, being the end of the tenth year from the date of the contract,

Noting also that the Institut français de recherche pour l'exploitation de la mer requested to defer the schedule of relinquishment, owing to the impact of the coronavirus disease (COVID-19) pandemic on its operational activities,

Recalling that, pursuant to regulation 27, paragraph 6, of the regulations, the Council may, at the request of the contractor, and on the recommendation of the Commission, in exceptional circumstances, defer the schedule of relinquishment and that such exceptional circumstances shall be determined by the Council and shall include, inter alia, consideration of prevailing economic circumstances or other unforeseen exceptional circumstances arising in connection with the operational activities of the contractor,

¹ ISBA/16/A/12/Rev.1, annex.



Considering that the Legal and Technical Commission has found that the reasons presented by the contractor qualify as “unforeseen exceptional circumstances arising in connection with the operational activities of the contractor”,² and has recommended to defer by one year the schedule of the first relinquishment to 18 November 2023 and the second relinquishment to 18 November 2025,

Acting upon the recommendation of the Commission,

1. *Determines* that the reasons presented by the Institut français de recherche pour l’exploitation de la mer qualify as “unforeseen exceptional circumstances arising in connection with the operational activities of the contractor”;

2. *Defers* the schedule of the first and second relinquishments as recommended by the Commission;³

3. *Requests* the Secretary-General to communicate the present decision to the Institut français de recherche pour l’exploitation de la mer.

*285th meeting
26 July 2022*

² See [ISBA/27/C/16/Add.1](#).

³ *Ibid.*



Council

Distr.: General
28 July 2022

Original: English

Twenty-seventh session

Council session, part II
Kingston, 18–29 July 2022
Agenda item 16

Budget of the International Seabed Authority

Decision of the Council of the International Seabed Authority relating to financial and budgetary matters

The Council of the International Seabed Authority,

Taking into account the recommendations of the Finance Committee of the International Seabed Authority,¹

1. *Recommends* that the Assembly of the Authority approve the budget for the financial period 2023–2024 in the amount of \$22,256,000, as proposed by the Secretary-General in document [ISBA/27/A/3/Add.1/Rev.1-ISBA/27/C/22/Add.1/Rev.1](#), following review by the Committee, to enable the Authority to deliver on its mandate in line with the evolutionary approach and the need to ensure that the Authority is equipped with the capacity and resources necessary to fulfil its obligations under the United Nations Convention on the Law of the Sea and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982;²

2. *Adopts* the revised terms of reference for 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 as contained in the annex to the present decision;

3. *Recommends* that the Assembly adopt the following draft decision:

The Assembly of the International Seabed Authority

1. *Approves* the budget for the financial period 2023–2024 in the amount of \$22,256,000, as proposed by the Secretary-General;³

2. *Authorizes* the Secretary-General to establish the scale of assessments for 2023 and 2024 on the basis of the scale used for the regular budget of the United Nations for the period 2022–2024, taking into account that

¹ See [ISBA/27/A/8-ISBA/27/C/36](#).

² Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, annex, sect. 1, para. 3.

³ See [ISBA/27/A/3/Add.1/Rev.1-ISBA/27/C/22/Add.1/Rev.1](#).



the maximum assessment rate will be 22 per cent and the minimum rate 0.01 per cent;

3. *Also authorizes* the Secretary-General, for 2023 and 2024, to transfer between sections, subsections and programmes up to 15 per cent of the amount of each section, subsection or programme;

4. *Urges* the members of the Authority to pay as soon as possible their assessed contributions to the budget on time and in full;

5. *Calls upon* members of the Authority with outstanding contributions to the budget of the Authority, including from the period 1998–2021, to pay them as soon as possible, to enable the Authority to deliver effectively on its mandate.

*286th meeting
28 July 2022*

Annex**Revised terms of reference for the voluntary trust fund to support the participation of members of the Council of the International Seabed Authority from developing States in the meetings of the Council**

1. Pursuant to the financial regulations of the International Seabed Authority, a voluntary trust fund has been established to support the participation of members of the Council of the Authority from developing States.

I. Object and purpose of the trust fund

2. In its decision [ISBA/23/A/13](#) dated 18 August 2017 relating to the final report on the first periodic review of the international regime of the Area pursuant to article 154 of the United Nations Convention on the Law of the Sea, the Assembly requested the Secretary-General to establish a voluntary trust fund to support the participation of members of the Council from developing States in the second annual meeting of the Council.

3. The objective of the fund is to defray the cost of participation of members of the Council from developing States in the annual session of the Council scheduled for the period 2022–2024.

II. Establishment

4. The fund is established pursuant to financial regulation 5.5 and shall be administered in accordance with the financial regulations of the Authority, as provided for in financial regulation 5.6.

III. Contributions to the fund

5. Member States, observers and other stakeholders are encouraged to contribute financially to the voluntary trust fund. Other stakeholders may include but are not limited to: other States; contractors with the Authority; relevant international organizations; academic, scientific and technical institutions; philanthropic organizations; corporations and private individuals; and non-governmental organizations.

IV. Implementing office

6. The Office for Administrative Service of the Secretariat is the implementing office for the fund and provides the services for its operation.

V. Report on the status of the fund

7. The Secretary-General shall report annually to the Finance Committee for its review of the use and status of the fund. The Secretary-General shall also report annually to the Assembly on the status of the fund.

VI. Terms of reference for the administration of the fund

8. The use of the fund is subject to the following conditions:

(a) A formal request by the Government of the State, containing the name of the delegate to be supported, must be communicated to the Secretariat preferably three months but no later than one month prior to the opening of the respective meeting of the Council. Late requests shall not be considered;

(b) Only members of the Council from developing States are eligible for support from the fund. However, if the amount available in the fund is not sufficient to meet all requests for support, priority shall be given to members of the Council from least developed countries;

(c) The fund shall be used to support the participation of one member of the delegation of a developing State member of the Council per year;

(d) For each member of the Council, only one delegate may benefit from support from the fund;

(e) Support shall be limited to economy class airfare by the most economical and direct route from either the capital or the official place of posting and to a daily subsistence allowance for up to a maximum of 14 days;

(f) The Secretary-General should inform the Government concerned of the outcome of the request in a timely manner.



Council

Distr.: General
29 July 2022

Original: English

Twenty-seventh session

Council session, part II
Kingston, 18–29 July 2022
Agenda item 6

Election of members of the Legal and Technical Commission

Decision of the Council of the International Seabed Authority relating to the election of members of the Legal and Technical Commission

The Council of the International Seabed Authority,

Considering the matter of the election of members of the Legal and Technical Commission for the period 2023–2027,

Recalling article 163, paragraphs 3 and 4, of the United Nations Convention on the Law of the Sea, which provides that candidates nominated for the Legal and Technical Commission shall have appropriate qualifications in the area of competence of the Commission and that, in the election of members of the Commission, due account shall be taken of the need for equitable geographical distribution and the representation of special interests,

1 *Decides*, on an exceptional and temporary basis, without prejudice to future elections, and with due regard to economy and efficiency, to increase the number of members of the Legal and Technical Commission as provided for in the present decision.

2. *Also decides*, following the expiration of the silence procedure of five days after the closure of the nomination period referred to in paragraph 3, to elect the following candidates, as members of the Legal and Technical Commission for the period 2023–2027:

(a) As referred to in document [ISBA/27/C/23](#):

Alcock, Mark (Australia)
Algethami, Noorah (Saudi Arabia)
Aloupi, Niki (France)
Aurelio, Juan Mario (Philippines)
Camaño Moreno, Andrés (Chile)
Chaves Pinto Ribeiro, Luísa Joubert (Portugal)
Cherkashev, Georgy Alexandrovich (Russian Federation)
Clark, Malcolm (New Zealand)
Copley, Jon (United Kingdom of Great Britain and Northern Ireland)
Darko, Richard Addo (Ghana)
Egede, Edwin (Nigeria)



Eriksen, Sissel (Norway)
Fukushima, Tomohiko (Japan)
González Minaya, Juan Luis (Dominican Republic)
Ha, Dao Viet (Viet Nam)
Hirsch, Federico Gabriel (Argentina)
Ju, Se-Jong (Republic of Korea)
Kanu, Michael Imran (Sierra Leone)
Lara Cabrera, Erasmo Alonso (Mexico)
Maestro González, Adolfo (Spain)
Marzone, Affonso Rêgo Gavino (Brazil)
Metwally, Gamal Abdelrehim Mohamed (Egypt)
Nowak, Piotr (Poland)
Nugroho, Haryo (Indonesia)
Pape, Ellen (Belgium)
Rühlemann, Carsten Michael (Germany)
Tuhumwire, Joshua T. (Uganda)
Walker, Michelle (Jamaica)
Yang, Shengxiong (China)

(b) As referred to in document [ISBA/27/C/23/Add.1](#):

Utoikamanu, Siosiu (Tonga)
Sethuraman, Ramesh (India)

(c) As referred to in document [ISBA/27/C/23/Add.2](#):

Ndougsa Mbarga, Théophile (Cameroon)

(d) As referred to in document [ISBA/27/C/23/Add.3](#):

Kainge, Paulus (Namibia)

(e) As referred to in document [ISBA/27/C/23/Add.4](#):

Mtavangu, Vicent Bartholomew (United Republic of Tanzania)

(f) As referred to in document [ISBA/27/C/23/Add.5](#):

Gikuhi, Michael (Kenya)

3. *Decides* to reopen the period for the nomination of candidates for the 2022 election for a period of 10 working days, starting 1 August 2022, to allow member States of the Authority belonging to the following regional groups to present a maximum number of additional candidates emanating from their regional group, to be elected as members of the Legal and Technical Commission for the period 2023-2027 by silence procedure of five working days after the nomination period, as follows:

African Group: one additional candidate

Asia-Pacific Group: one additional candidate

Eastern European Group: up to three additional candidates

Latin American and Caribbean Group: up to two additional candidates

4. *Recognizes* past efforts to address the issue of elections of members to the Legal and Technical Commission and encourages further efforts to develop a mechanism in the context of an informal working group to provide more certainty and stability on the composition of the Commission for future elections.

289th meeting
29 July 2022



Council

Distr.: General
24 August 2022

Original: English

Twenty-seventh session

Council session, part II

Kingston, 18–29 July 2022

Agenda item 6

Election of members of the Legal and Technical Commission

Decision of the Council of the International Seabed Authority relating to the election of members of the Legal and Technical Commission

Addendum

The Council of the International Seabed Authority,

Recalling its decision relating to the election of members of the Legal and Technical Commission as contained in document [ISBA/27/C/41](#),

Elects the following candidates as members of the Legal and Technical Commission for a five-year term, from 1 January 2023 to 31 December 2027:

Alcock, Mark (Australia)

Algethami, Noorah (Saudi Arabia)

Aloupi, Niki (France)

Aurelio, Juan Mario (Philippines)

Blivu, Adoté Blim (Togo)

Camaño Moreno, Andrés (Chile)

Chaves Pinto Ribeiro, Luísa Joubert (Portugal)

Cherkashev, Georgy Alexandrovich (Russian Federation)

Clark, Malcolm (New Zealand)

Copley, Jon (United Kingdom of Great Britain and Northern Ireland)

Darko, Richard Addo (Ghana)

Egede, Edwin (Nigeria)

Eriksen, Sissel (Norway)

Finau, Malakai (Fiji)



Fukushima, Tomohiko (Japan)
Gikuhi, Michael (Kenya)
González Minaya, Juan Luis (Dominican Republic)
Ha, Dao Viet (Viet Nam)
Hassanali, Kahlil (Trinidad and Tobago)
Hirsch, Federico Gabriel (Argentina)
Ju, Se-Jong (Republic of Korea)
Kainge, Paulus (Namibia)
Kanu, Michael Imran (Sierra Leone)
Lara Cabrera, Erasmo Alonso (Mexico)
Maestro González, Adolfo (Spain)
Marzone, Affonso Rêgo Gavino (Brazil)
Metwally, Gamal Abdelrehim Mohamed (Egypt)
Mtavangu, Vicent Bartholomew (United Republic of Tanzania)
Ndougsa Mbarga, Théophile (Cameroon)
Nowak, Piotr (Poland)
Nugroho, Haryo (Indonesia)
Opimakh, Roman (Ukraine)
Pape, Ellen (Belgium)
Rodríguez Chaves, Mariamalia (Costa Rica)
Rühlemann, Carsten Michael (Germany)
Sethuraman, Ramesh (India)
Tuhumwire, Joshua T. (Uganda)
Utoikamanu, Siosua (Tonga)
Vu, Nguyen Hong (Czechia)
Walker, Michelle (Jamaica)
Yang, Shengxiong (China)

24 August 2022



Council

Distr.: General
11 November 2022

Original: English

Twenty-seventh session

Council session, part III

Kingston, 31 October–11 November 2022

Agenda item 11

Draft regulations on exploitation of mineral resources in the Area

Decision of the Council of the International Seabed Authority relating to the development of binding environmental threshold values¹

The Council of the International Seabed Authority,

Recalling article 136 of the United Nations Convention on the Law of the Sea (the Convention),² which provides that the Area and its resources are the common heritage of mankind,

Recalling also article 145 of the Convention, which establishes that necessary measures shall be taken in accordance with the Convention with respect to activities in the Area to ensure effective protection of the marine environment from harmful effects that may arise from such activities,

Recalling further article 165, paragraph (2) (e), of the Convention, which provides that the Legal and Technical Commission shall make recommendations to the Council on the protection of the marine environment, taking into account the views of recognized experts in that field,

Appreciating the draft exploitation regulations and the draft standards and guidelines prepared by the Legal and Technical Commission,

Considering that members of the Council of the International Seabed Authority recognized the need for the development of binding threshold values for the protection of the marine environment by an intersessional expert group of the Council, taking into account the input of all stakeholders,

Decides:

(a) That binding environmental threshold values, including early warning thresholds, will be developed to contribute substantially to the determination of what is required to ensure effective protection of the marine environment pursuant to article

¹ On the basis of the draft decision of the Council of the International Seabed Authority relating to the development of binding environmental threshold values, submitted by the delegation of Germany (ISBA/27/C/L.4).

² United Nations, *Treaty Series*, vol. 1833, No. 31363.



145 of the Convention and to set measurable requirements with regard to levels of harm from activities in the Area, including the maximum level of harm that can be considered acceptable;

(b) That these threshold values should be developed as binding standards and, as far as feasible, within phase 1 of the ongoing development of standards and guidelines;

(c) That, given the limited time and resources, an initial set of such standards should focus on the main pressures potentially caused by deep-sea mining operations;

(d) That the work will be led by the Legal and Technical Commission and supported by the scientific and technical expertise of an intersessional expert group for the development of binding environmental threshold values; as an initial step, the intersessional expert group should work in three subgroups, primarily on the following topic areas, as outlined in document [ISBA/27/C/30](#):

(i) Toxicity;

(ii) Turbidity and settling of resuspended sediments;

(iii) Underwater noise and light pollution;

(e) That the intersessional expert group and its subgroups will:

(i) Be chaired by members of the Legal and Technical Commission;

(ii) Be open to experts nominated by members and stakeholders of the Authority to engage in the expert group;

(iii) Apply virtual formats and work by correspondence;

(iv) Develop proposed threshold values and compile a report to the Commission, to be published on the website of the Authority, presenting all available options discussed by the expert group and outcomes of its deliberations, while also reflecting any diverging opinions;

(f) That the Legal and Technical Commission will consider this report and submit, after formal stakeholder consultation, its recommendations to the Council;

(g) That the Legal and Technical Commission will prepare, based on the outcomes of the intersessional expert group, draft standards on environmental threshold values to be submitted to the Council for consideration and adoption.

*296th meeting
11 November 2022*



Council

Distr.: General
11 November 2022

Original: English

Twenty-seventh session

Council session, part III

Kingston, 31 October–11 November 2022

Agenda item 11

Draft regulations on exploitation of mineral resources in the Area

Decision of the Council of the International Seabed Authority relating to the commissioning by the secretariat of a study on the internalization of environmental costs of exploitation activities the Area into the production costs of minerals from the Area

The Council of the International Seabed Authority,

Noting that the open-ended working group of the Council, created in July 2018 to discuss a financial model and payment mechanism at its fourth meeting, suggested that a study be carried out on environmental costs of exploitation activities, including how to internalize the costs associated with environmental externalities, including the valuation of ecosystem services and natural capital,

Emphasizing that neither the present decision nor the outcome of the requested study does in any way prejudice the decision of the Council, to be taken at a later stage, whether the exploitation regulations shall include a mechanism for the internalization of environmental costs,

1. *Requests* the Secretary-General to commission an independent study to assess the value of ecosystem services and natural capital of the Area, as well as of the potential environmental costs of potential activities in the Area, including by incorporating estimates of monetary values of effects on ecological functions and ecosystem services, and decides that:

(a) The study should include a current valuation of the deep sea and related ecosystem services and natural capital and should cover direct and indirect environmental impacts that will occur on the seafloor, the subsoil thereof and the water column;

(b) The determination of future losses shall account for the concern of current and future generations;

(c) The study should include as an appendix a proposed methodology for an economic valuation of the environmental costs of an individual mining concession so



that such a methodology can be applied by applicants for exploitation contracts and the results delivered as part of their plan of work;

(d) The study shall be commissioned by open worldwide tender with one month's notice, to be published on 31 December 2022 at the latest. Information on the offers received, the selection process and the rationale for the option chosen shall be published on the Authority's website;

(e) The study shall be awarded to one or more independent and credible institutions, preferably universities or academic institutes with expertise in environmental economics, finance and accounting that have no financial interest in any activity relating to exploration and exploitation in the Area;

(f) The study shall be completed and published on the Authority's website before the end of May 2023.

*296th meeting
11 November 2022*



Council

Distr.: General
11 November 2022

Original: English

Twenty-seventh session

Council session, part III

Kingston, 31 October–11 November 2022

Agenda item 14

Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-seventh session

Decision of the Council of the International Seabed Authority relating to the reports of the Chair of the Legal and Technical Commission

The Council of the International Seabed Authority,

Recalling its decision [ISBA/26/C/57](#),

1. *Takes note with appreciation* of the reports of the Chair of the Legal and Technical Commission on the work of the Commission at the first and second parts of its twenty-seventh session,¹ the hard work and considerable achievements of the Commission over the past six years (2017–2022) and the report of the Secretary-General on implementation of the decision of the Council in 2021 relating to the reports of the Chair of the Legal and Technical Commission, noting that it represented the fifth such report of the Secretary-General;²

2. *Notes with appreciation* the report of the Chair of the Commission³ to the Council summarizing stakeholder feedback on the phase 1 draft standards and guidelines,⁴ the reasons for the Commission's decisions, and the translations of the phase 1 draft standards and guidelines into the official languages of the Authority;

3. *Emphasizes* that the regulations, standards and guidelines must be an integrated package in order for them to be developed into requirements for submitted plans of work for exploitation, that the phase 1 draft standards and guidelines require in-depth consideration by the Council, as well as review, to ensure consistency with the draft regulations;

4. *Notes with appreciation* the Commission's consideration of annual reports on activities carried out by contractors in 2021, and welcomes the fact that contractors have generally continued to comply with the template issued by the Commission, have responded to questions raised by the Commission in the previous year, have

¹ [ISBA/27/C/16](#) and [ISBA/27/C/16/Add.1](#) and [ISBA/27/C/16/Add.2](#).

² [ISBA/27/C/27](#).

³ [ISBA/27/C/2](#).

⁴ See enclosure II to [ISBA/25/C/19/Add.1](#).



largely met the deadlines for submitting annual reports and have continued to carry out their programme of activities notwithstanding challenges posed by the ongoing coronavirus disease (COVID-19) pandemic;

5. *Urges* contractors to pursue the necessary improvements in their annual reports identified by the Commission, including the timely submission of annual reports, fulfilling their individual obligations for each contract and plan of work, the timely provision of expense information in line with the recommended format,⁵ to comply with the Commission's reporting templates⁶ and to undertake gap analyses to inform their data requirements with a view to enhancing the understanding of how they are developing their environmental baselines;

6. *Welcomes* the Secretary-General's engagement, through the Compliance Assurance and Regulatory Management Unit of the secretariat, with individual contractors on matters raised by the Commission and the secretariat's review of the responses of individual contractors, and requests the Secretary-General to continue the practice of communicating the various issues identified during the Commission's review of contractors' annual reports to the relevant contractors and sponsoring States, to follow up in writing with those contractors that repeatedly perform inadequately or incompletely against an approved plan of work or that have indicated that the implementation of the plan of activities will be made conditional on external factors regardless of the applicable contractual requirements, to request meetings with them and to write to the respective sponsoring States to bring that issue to their attention and request a meeting with the sponsoring States to address it;

7. *Requests* the Commission, beginning at the twenty-eighth session of the Authority, to annually name those contractors that have responded inadequately, or failed to respond, to the calls from the Council to address issues of concern identified by the Commission in relation to their contractual obligations;

8. *Requests* the Secretary-General to continue to report to the Council on an annual basis, identifying instances of alleged non-compliance and regulatory action in accordance with the United Nations Convention on the Law of the Sea,⁷ the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982⁸ and the regulations on prospecting and exploration, including any monetary penalties to be imposed by the Council, and urges the relevant sponsoring States to provide any information relating to such non-compliance and measures taken to ensure compliance under contracts for exploration, in accordance with article 139 of the Convention;

9. *Commends* the progress made towards increasing the transparency of exploration contracts, and requests the Secretary-General to continue to pursue dialogue with contractors who have not yet submitted templates on their plans of work;

10. *Also commends* contractors for their efforts in implementing their programme of activities and training programmes in spite of travel restrictions and other challenges relating to the ongoing COVID-19 pandemic, and notes the review of the recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration by the training subgroup of the Commission, with a view to adopting a set of revised recommendations by the end of 2022;

⁵ See annex IV to [ISBA/21/LTC/15](#) and [ISBA/21/LTC/15/Corr.1](#).

⁶ See [ISBA/21/LTC/15](#).

⁷ United Nations, *Treaty Series*, vol. 1833, No. 31363.

⁸ *Ibid.*, vol. 1836, No. 31364.

11. *Notes* the Commission's consideration of an application for approval of a plan of work for exploration for polymetallic nodules submitted by Circular Metals Tuvalu Ltd. and that, following the sponsoring State's termination of sponsorship, there was effectively no application to consider, and requests the Secretary-General to remind applicants of the requirements of article 153 of the Convention;

12. *Takes note of* the Commission's development of a draft procedure and criteria for consideration of a request for the transfer of rights and obligations under a contract for exploration,⁹ and requests the Commission to continue to revise its draft once the Council has considered issues relating to the transfer of rights and obligations under a contract for exploitation in the draft regulations for exploitation, as well as relevant issues related to effective control;

13. *Expresses its appreciation* for the Commission's development of the draft standardized procedure for the development, review and approval of regional environmental management plans and the template with the minimum requirements, and requests the Commission to revise the draft standardized procedure, taking into account the Council's comments as summarized by the President of the Council, the submissions in 2019 by Germany and the Netherlands, co-sponsored by Costa Rica, and written comments to be submitted by delegations by 15 January 2023, and provide the rationale for its decisions;

14. *Also expresses its appreciation* for the Commission's development of the draft regional environmental management plan for the Area of the northern Mid-Atlantic Ridge, and requests the Commission to review the draft after the standardized procedure for the development, review and approval of regional environmental management plans and the template have been adopted by the Council, in the light of the Council's comments;

15. *Welcomes* the Commission's review and adoption of revised recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area¹⁰ to provide guidance to contractors on stakeholder consultation;

16. *Requests* the Commission to clarify the criteria for the use of the silence procedure in the adoption of decisions;

17. *Also requests* the Commission, in relation to its current process for reviewing environmental impact statements in relation to the testing of mining components or other activities requiring an environmental impact assessment during exploration, contained in paragraph 41 of [ISBA/25/LTC/6/Rev.2](#), to include in the steps of the process that any recommendation of the Commission to the Secretary-General on the basis of paragraph 41 (e), including its underlying rationale, also be sent to the Council for informational purposes and that the recommendation, along with the final environmental impact assessment, be published on the website of the Authority;

18. *Urges* the Commission to hold open meetings, where appropriate, and to allow for greater transparency in its work;

19. *Requests* the Commission to provide recommendations to the Council on how the procedures of the Commission could be further improved to provide for more transparency while maintaining its effective operation and recognizing the need to ensure the confidentiality of data and information;

⁹ See [ISBA/27/C/35](#).

¹⁰ See [ISBA/25/LTC/6/Rev.2](#), which replaces [ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#), effective 8 July 2022.

20. *Notes* the Commission's review of the environmental impact statement and the environmental management and monitoring plan from Nauru Ocean Resources Inc. (NORI)¹¹ and its adoption, through a three-day silence procedure, of the recommendation to the Secretary-General that the completed environmental impact statement be included in the programme of NORI activities under its exploration contract,¹² of which the Secretary-General notified NORI, together with a request to report the results of its test of mining components in its next annual report, and that the Compliance Assurance and Regulatory Management Unit of the secretariat has notified NORI of its intention to conduct an inspection of its activities pursuant to the exploration regulations;

21. *Takes note* of the measures used to ensure the confidentiality of the work of the Commission in a virtual format;

22. *Welcomes* the progress made by the secretariat towards the implementation of the data management strategy of the Authority, including public access to non-confidential data, its continued collaboration with the International Hydrographic Organization in relation to the compilation of bathymetric data, including through the Area 2030 initiative, and continued scientific work and interpretation from its DeepData database with the assistance of experts from developing countries;

23. *Also welcomes* the report of the Secretary-General¹³ concerning the operationalization of the Economic Planning Commission, including its financial implications, and that that item is to be reviewed at the twenty-eighth session of the Council;

24. *Further welcomes* the report of the Special Representative of the Secretary-General of the Authority for the Enterprise¹⁴ and takes note of the draft decision of the Group of African States;

25. *Calls upon* contributions 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 to secure the continued participation of developing States at this critical juncture in the development of the regulatory framework of the Authority;

26. *Requests* the Secretary-General to report to the Council on the implementation of the present decision at its twenty-eighth session, in 2023, and that such annual reporting remain on the agenda of the Council as a standing item.

*296th meeting
11 November 2022*

¹¹ See [ISBA/27/C/16/Add.1](#).

¹² See [ISBA/27/C/16/Add.2](#).

¹³ [ISBA/27/C/25](#).

¹⁴ [ISBA/27/C/34](#).



Council

Distr.: General
11 November 2022

Original: English

Twenty-seventh session

Council session, part III

Kingston, 31 October–11 November 2022

Agenda item 11

Draft regulations on exploitation of mineral resources in the Area

Decision of the Council of the International Seabed Authority relating to the possible scenarios and any other pertinent legal considerations in connection with section 1, paragraph 15, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea

The Council of the International Seabed Authority,

Considering the invocation of section 1, paragraph 15, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982¹ (the Part XI Agreement) by the Republic of Nauru in June 2021, with an effective date of 9 July 2021,

Conscious that the prescribed time under subparagraph (b) of the above-mentioned provision will expire on 9 July 2023,

Recognizing that there may be numerous potential scenarios and other pertinent legal considerations that arise with the interpretation and potential application of subparagraph (c) of the above-mentioned provision,

Understanding the need for further discussion on this matter in order to achieve an optimal outcome at the Council that is aimed at promoting the interests of all the members of the Authority, and desiring to continue the work of the Council intersessionally in a constructive manner,

1. *Decides* to establish an informal intersessional dialogue to facilitate further discussion on the possible scenarios foreseen in section 1, paragraph 15, of the annex to the Part XI Agreement and on any other pertinent legal considerations with a view to exploring commonalities in possible approaches and legal interpretations for the Council to consider in this respect;

¹ United Nations, *Treaty Series*, vol. 1836, No. 31364.



2. *Also decides* on the following modalities of the dialogue:

(a) The informal intersessional dialogue shall be open to all members of the Authority, observers and their designated experts and shall be co-facilitated by Hugo Verbist (Belgium) and another Co-Facilitator to be appointed;

(b) The dialogue shall be convened regularly between the date of adoption of the present decision and the next meeting of the Council, in March 2023, using virtual means, starting in January 2023;

3. *Further decides* that the Co-Facilitators of the above-mentioned dialogue shall prepare and present a briefing note to the Council at its next meeting, in March 2023, for further consideration.

*296th meeting
11 November 2022*

