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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

Introduction

- 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. It provides information on the work of the Authority for the period from July 2022 to June 2023.
- The Assembly will recall that, since 2020, the annual report of the Secretary-General has been presented in two formats. The present report 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, a summary of the main outcomes of the previous session of the Authority and other noteworthy information. It should be read in conjunction with the fully illustrated report, entitled "Just and equitable management of the common heritage of humankind".

II. Membership of the Authority

- All States parties to the Convention are ipso facto members of the Authority. 1 As at 31 May 2023, there were 169 parties to the Convention (168 States and the European Union), and thus there were 169 members of the Authority. Rwanda became a party to the Convention on 18 May 2023. On the same date, Rwanda also became a party 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 (1994 Agreement), which means that there are now 152 parties to the 1994 Agreement.
- There are 17 members of the Authority that became parties to the Convention before the adoption of the 1994 Agreement and have yet to become parties to it, namely Bahrain, the Comoros, the Democratic Republic of the Congo, Djibouti,

¹ In accordance with article 156, paragraph 2, of the Convention.





^{*} ISBA/28/A/L.1.

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. In the event of any inconsistency between the 1994 Agreement and part XI of the Convention, the provisions of the Agreement shall prevail. Although members of the Authority that are not parties to the 1994 Agreement participate in the work of the Authority under arrangements based on that Agreement, becoming a party to the Agreement would remove any incongruity that currently exists for those States. The Secretary-General encourages those States to become parties to the Agreement at the earliest possible opportunity. The secretariat sent a note verbale to each of those States on 3 February 2023.

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. As at 31 May 2023, 12 members of the Authority had deposited such charts and lists with the Secretary-General, namely Australia, the Cook Islands, 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, New Zealand, Niue, Pakistan, the Philippines and Tuvalu.
- 7. The Secretary-General urges all coastal States to deposit the 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. Knowledge of the precise delineation of all areas of continental shelf up to and beyond 200 nautical miles will allow the geographical limits of the Area to be established with certainty. 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 27 January 2023.

IV. Permanent missions to the Authority

- 8. As at 31 May 2023, the following 33 States, in addition to the European Union, maintained permanent missions to the Authority: Algeria, Antigua and Barbuda, Argentina, Bangladesh, Belgium, Brazil, Cameroon, Chile, China, Costa Rica, Cuba, Cyprus, Dominican Republic, France, Gabon, Germany, Indonesia, Italy, Jamaica, Japan, Malta, Mauritius, Mexico, Namibia, Nauru, Nigeria, Panama, Philippines, Republic of Korea, Russian Federation, South Africa, Spain and Trinidad and Tobago.
- 9. During the reporting period, the permanent representatives of six new States presented their credentials to the Secretary-General, namely Bangladesh, Chile, China, Germany, Japan and the Republic of Korea. On 20 February 2023, the first permanent representative of Zimbabwe to the Authority presented his credentials to the Secretary-General.

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

10. 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. Greece acceded to the Protocol on 12 December 2022, bringing the total number of parties to 48: Albania, Antigua and Barbuda, Argentina, Austria, Brazil, Bulgaria, Burkina Faso, Cameroon, Chile, Croatia, Cuba, Czechia, Denmark, Egypt, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Guyana, India, Iraq, Ireland, Italy, Jamaica, Jordan, Lithuania, Mauritius, Mozambique, Netherlands (Kingdom of the), 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 10 States have signed the Protocol but have yet to ratify it: Bahamas, Côte d'Ivoire, Indonesia, Kenya, Malta, Namibia, North Macedonia, Pakistan, Saudi Arabia and Sudan.

11. 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 30 January 2023.

VI. Administrative matters

A. Secretariat

- 12. The secretariat is one of the principal organs of the Authority. In accordance with article 166 of the Convention, the secretariat comprises a Secretary-General and such staff as the Authority may require. The number of established posts in the secretariat as at 31 May 2023 was 52 (30 Professional, 2 National Professional Officers and 20 General Service).
- 13. During the reporting period, five job openings were advertised on the Inspira platform. As at the end of May 2023, four of the five vacancies had been filled, three staff members had separated from service and one staff member had retired; a total of 42 consultants were utilized. The secretariat attaches importance to ensuring a gender balance: 58 per cent of the Authority's staff members and 50 per cent of the senior management team are women. In view of the growing requirements resulting from the increase in the number of staff, the secretariat redesigned the workspace on the second floor of the headquarters building to accommodate additional workstations for new staff.

B. Participation in the common system of the United Nations

- 14. The Authority applies the common system of salaries, allowances and other conditions of service of the United Nations and the specialized agencies of the United Nations system. It subscribed to the statute of the International Civil Service Commission (ICSC), with effect from January 2013.²
- 15. As a participant in the United Nations common system of organizations, the Authority contributes to and participates in the work of ICSC and uses common system services and tools such as Inspira, the United Nations Global Centre for Human Resources Services ("OneHR"), the Department of Safety and Security and the United Nations Appeals Tribunal. The secretariat also contributes to the United Nations security management system. This ensures access to disaster evacuation

² See ISBA/18/A/7.

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arrangements and medical evacuations and enables the secretariat 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 United Nations System Chief Executives Board for Coordination (CEB) but is considering an invitation to join three relevant CEB networks as an observer, namely the Human Resources Network, the Finance and Budget Network and the Digital and Technology Network.

16. On 16 November 2022, the secretariat received a notification from CEB forwarding a proposal from the Fifth Committee of the United Nations General Assembly to amend articles 10 (b) and 11 (c) of the ICSC statute and requesting specialized and related agencies to provide written opinions on the proposed amendment and the process of obtaining a written notification of acceptance. On 12 December 2022, the Secretary-General of the Authority sent a letter to ICSC indicating that, in line with the legal process identified in articles 1 (3) and 30 and of the ICSC statute, the secretariat would need to notify the Council and the Assembly of the Authority at their next meetings in July 2023 of the proposed amendments prior to sending a written notification of acceptance. A separate report thereon has been prepared by the secretariat for the Assembly and the Council, for information.

VII. Financial matters

A. Budget

17. At its twenty-seventh session, the Assembly, following the recommendation of the Finance Committee, adopted the budget for the financial period 2023–2024 in the amount of \$22,256,000.³

B. Status of contributions

- 18. 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 on the scale used for the regular budget of the United Nations, adjusted for differences in membership. As at 31 May 2023, 68 per cent of the value of contributions to the 2023 budget due from member States and the European Union had been received.
- 19. As at 31 May 2023, outstanding contributions from member States for prior periods (1998–2022) amounted to \$757,586. Notices are sent on a regular basis to member States, reminding them of the arrears. 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 contributions due from it for the preceding two years. As at 31 May 2023, the following 47 members of the Authority had been in arrears for two years or more: Bahrain, Barbados, Belize, Bolivia (Plurinational State of), Brazil, Burkina Faso, Chad, Comoros, Congo, Cuba, Democratic Republic of the Congo, Djibouti, Dominica, Equatorial Guinea, Gabon, Gambia, Guinea, Guinea-Bissau, Haiti, Honduras, Iraq, Lebanon, Lesotho, Liberia, Madagascar, Malawi, Mali, Marshall Islands, Mauritania, Mongolia, Montenegro, Myanmar, Nepal, Niger, Niue Island, North Macedonia, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Senegal, Seychelles, Solomon Islands, Somalia, Sudan, Suriname, Uganda and Yemen.

³ See ISBA/27/A/10, ISBA/27/A/3-ISBA/27/C/22, ISBA/27/A/3/Add.1-ISBA/27/C/22/Add.1 and ISBA/27/A/3/Add.1/Rev.1-ISBA/27/C/22/Add.1/Rev.1.

20. As at 31 May 2023, the balance of the working capital fund stood at \$717,541, against an approved level of \$750,000.

C. Voluntary trust fund for members of the Legal and Technical Commission and the Finance Committee

21. The voluntary trust fund for the participation of members of the Legal and Technical Commission and the Finance Committee from developing countries was established in 2002. As at 31 May 2023, the total contributions to the fund over its lifetime amounted to \$1,383,780. During the reporting period, contributions were made by China (\$40,000), Norway (\$9,775) and the United Kingdom (\$10,000) and by contractors (\$18,000). As at 31 May 2023, the balance of the fund was \$40,004.

D. Voluntary trust fund for members of the Council

22. At its twenty-third session, the Assembly requested the Secretary-General to establish a voluntary trust fund to support the participation of members of the Council from developing States.⁴ As at 31 May 2023, the total contributions to the fund over its lifetime amounted to \$145,202. During the reporting period, contributions were made by the United Kingdom (\$10,000) and by contractors (\$25,500). As at 31 May 2023, the balance of the fund was \$548.

E. Voluntary trust fund for the Special Representative of the Secretary-General for the Enterprise

23. At the first part of its twenty-fifth session, the Council requested the Secretary-General to establish a 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.⁵ The fund was created on 1 March 2019. As at 31 May 2023, the balance of the fund was \$3,528.

F. International Seabed Authority Partnership Fund

24. The International Seabed Authority Partnership Fund was established in line with the decision of the Assembly during the twenty-seventh session as a multi-donor trust fund pursuant to regulation 5.5 of the Financial Regulations of the International Seabed Authority. The main objective of the Fund is to promote and encourage the conduct of marine scientific research in the Area for the benefit of humankind as a whole. Since August 2022, contributions to the Fund were made by France (\$122,124), Mexico (\$10,000), China (\$20,000) and Greece (\$52,520), in addition to the \$400,000 withdrawn from the Endowment Fund for Marine Scientific Research in the Area. Total contributions as at 31 May 2023 were \$604,644, and no expenditure from the Partnership Fund has been made to date.

G. Trust fund for extrabudgetary support for the Authority

25. The Authority receives extrabudgetary funds from member States and other donors to support activities not funded by the approved budget of the Authority. These may be one-off contributions or funds to support multi-year programmes or projects,

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⁴ See ISBA/23/A/13.

⁵ See ISBA/25/C/16.

⁶ See ISBA/27/A/10 and ISBA/27/FC/3.

used in accordance with the terms agreed with the donors, including reporting and audit requirements.

26. In March 2018, the Secretary-General created a multi-donor trust fund for extrabudgetary support for the activities of the Authority. The fund was established pursuant to regulation 5.5 of the Financial Regulations of the Authority and is administered in accordance with the Financial Regulations. Since its creation, the fund has raised \$2,495,376 and had a net balance of \$627,199 as at 31 May 2023. Since March 2022, contributions have been made by the National Marine Biodiversity Institute of Korea (\$125,809) and Monaco (\$21,468). In addition, the European Union contributed \$208,024 to the Sustainable Seabed Knowledge Initiative project and \$123,000 to the Deep-Dive project.

VIII. Previous sessions of the Authority

A. Twenty-seventh session

- 27. The twenty-seventh session of the Assembly was held in Kingston from 1 to 4 August 2022. A total of seven meetings were held (191st to 197th), with a special commemorative event marking the fortieth anniversary of the adoption and opening for signature of the Convention. At its opening meeting, the Assembly elected Satyendra Prasad (Fiji) as its President and Ghana, Mexico and Norway as Vice-Presidents. Olav Myklebust (Norway) was designated acting President, to preside over the meetings in the absence of the President.
- 28. During the session, the Assembly considered the annual report of the Secretary-General, submitted in accordance with article 166, paragraph 4, of the Convention. It elected 15 members of the Finance Committee for the period from 1 January 2023 to 31 December 2027, in accordance with section 9 of the annex to the 1994 Agreement. The Assembly also elected 18 members of the Council for a term lasting from 1 January 2023 to 31 December 2026. A decision relating to the budget of the Authority for the financial period 2023–2024 was adopted during its 194th meeting. At the same meeting, the Assembly adopted a decision relating to the implementation of a programmatic approach to capacity development. 9
- 29. The twenty-seventh session of the Council was held in three parts: the first part from 21 March to 1 April 2022, the second part from 18 to 29 July 2022 and the third part from 31 October to 11 November 2022. At the first part of the session, the Council elected Tomasz Abramowski (Poland) as President and Canada, Jamaica and Sierra Leone as Vice-Presidents.
- 30. During the meetings, the Council made progress in its negotiations on the draft regulations on exploitation as a priority. It considered the reports of the Legal and Technical Commission and adopted a decision relating to the implementation of the report of the Commission. ¹⁰ At its meetings in July, it elected 41 members of the Commission for the period from 1 January 2023 to 31 December 2027¹¹ and adopted a decision relating to the development of binding environmental threshold values. ¹²

⁷ See ISBA/27/A/2 and ISBA/27/A/2/Add.1.

⁸ See ISBA/27/A/10.

⁹ See ISBA/27/A/11.

¹⁰ See ISBA/27/C/44.

¹¹ See ISBA/27/C/41 and ISBA/27/C/41/Add.1.

¹² See ISBA/27/C/42.

31. The Council continued its consideration of the report of the Special Representative of the Secretary-General for the Enterprise¹³ and adopted a decision relating to the possible scenarios and any other pertinent legal considerations in connection with section 1, paragraph 15, of the annex to the 1994 Agreement. ¹⁴ The Council approved a memorandum of understanding with the African Union. ¹⁵ It also adopted a decision on an application from the Government of India to extend its contract for exploration of polymetallic nodules. ¹⁶ Furthermore, the Council adopted decisions on the requests for deferral of the schedule of relinquishment by the Federal Institute for Geosciences and Natural Resources and the Institut français de recherche pour l'exploitation de la mer. ¹⁷

B. First part of the twenty-eighth session of the Council

- 32. The twenty-eighth session of the Council opened on 16 March 2023. The Council elected Juan José González Mijares (Mexico) as President. Canada, Ghana and the Republic of Korea were elected Vice-Presidents. The Council adopted a decision relating to the understanding and application of section 1, paragraph 15, of the annex to the 1994 Agreement. ¹⁸ It also adopted a decision relating to the establishment of the position of interim director general of the Enterprise ¹⁹ and a decision on the deferral of the schedule of relinquishment by one of the contractors. ²⁰
- 33. The Council continued its work on the draft regulations for exploitation of mineral resources in the Area following the road map adopted in 2022.²¹

IX. Status of contracts for exploration

- 34. As at 31 May 2023, the Authority had 30 contracts for exploration in force (19 for polymetallic nodules, 7 for polymetallic sulphides and 4 for cobalt-rich ferromanganese crusts). Each contractor is required to submit an annual report to the Secretary-General within 90 days of the end of each calendar year, covering its programme of activities in the exploration area. For 2023, 30 annual reports in relation to 30 exploration contracts have been received by the secretariat.
- 35. Since 2017, the Secretary-General has held annual consultative meetings with contractors to discuss issues of common interest and share best practices in deep-sea exploration. In 2022, the meetings took place in Delft, Kingdom of the Netherlands, from 5 to 7 December, with logistical support from Allseas Group and the Delft University of Technology. It was attended by 64 representatives of exploration contractors. The next consultative meeting is expected to be held in October 2023.

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

36. On 8 December 2022, the Secretary-General participated in the commemoration by the United Nations General Assembly of the fortieth anniversary of the adoption

¹³ See ISBA/27/C/14, ISBA/27/C/14/Corr.1 and ISBA/27/C/34.

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¹⁴ See ISBA/27/C/45.

¹⁵ See ISBA/27/C/29.

¹⁶ See ISBA/27/C/18.

¹⁷ See ISBA/27/C/19 and ISBA/27/C/39.

¹⁸ See ISBA/28/C/9.

¹⁹ See ISBA/28/C/10.

²⁰ See ISBA/28/C/8.

²¹ See ISBA/27/C/21/Add.2, annex II.

and opening for signature of the Convention, and delivered a statement on behalf of the Authority. ²²

37. On 9 December 2022, during the seventy-seventh session of the General Assembly, the Secretary-General made a statement under agenda item 72 (a), on oceans and the law of the sea. He reported on the achievements of the members of the Authority in 2022 and the adoption of a road map for continued work in 2023, highlighting that the completion of the regulatory regime was considered crucial for the Authority to fulfil its mandate of protecting the marine environment and the rights of all States parties. The Secretary-General pointed out that having clarity in the legal framework and the removal of regulatory uncertainty and risk were in the best interests of all members. He also highlighted the strategic framework put in place over the past five years, including the adoption of a strategic plan and the establishment of the International Seabed Authority Partnership Fund. These decisions are aimed at enhancing capacity-building opportunities and international collaboration. Furthermore, the Secretary-General emphasized the importance of implementing the action plan in support of the United Nations Decade of Ocean Science for Sustainable Development and the launch of the Sustainable Seabed Knowledge Initiative. He concluded his statement by expressing anticipation for the forthcoming meetings in Jamaica and the progress towards the mining code in 2023.²³

38. The Authority will participate in the thirty-third Meeting of States parties to the Convention, to be held from 12 to 16 June 2023, presenting the activities of the Authority.

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

39. For the 2022–2023 reporting period, the secretariat was assigned some responsibilities for 60 high-level actions, with 102 related outputs, as listed in annex II to the present report. In three cases, no specific output was 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 reporting period is 105. The secretariat is identified as the "organ responsible" for 76 outputs, the "associated organ" for 20 other outputs and the "coordinating organ" for 9 outputs.

40. As at 30 May 2023, 87 assigned high-level actions and outputs (83 per cent) had been completed, while 17 (16 per cent) were still in progress and expected to be achieved by the end of the year (see annex I). One high-level action (3.3.2) under strategic direction 3 ("Protect the marine environment") had been put on hold temporarily to allow the Council to advance its discussions on the matter. 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"), 6 ("Ensure fully integrated participation by developing States"), 8 ("Improve the organization performance of the Authority") and 9 ("Commit to transparency") are more than 80 per cent complete. Details of the work undertaken for all outputs have been compiled by the secretariat and are available in annex II.

²² See https://estatements.unmeetings.org/estatements/10.0010/20221208/k7a1T8gXAeEB/wQlwlwa4ttI6 en.pdf.

²³ See https://estatements.unmeetings.org/estatements/10.0010/20221209/eSmFLu8poyAI/ Gzs0LuIyuaqs_en.pdf.

Annex I

Status of completion of high-level actions assigned to the secretariat and related outputs for the 2022–2023 reporting period

Strategic direction	Number of relevant items for reporting	Completed				Status of
		Ongoing	Achieved	In progress	On hold	completion (percentage)
Strategic direction 1: Realize the role of the Authority in a global context	15	14	_	1	_	93
Strategic direction 2: Strengthen the regulatory framework for activities in the Area	6	5	_	1	_	83
Strategic direction 3: Protect the marine environment	14	6	3	4	1	64
Strategic direction 4: Promote and encourage marine scientific research in the Area	11	8	_	3	_	73
Strategic direction 5: Build capacity for developing States	11	5	3	3	_	73
Strategic direction 6: Ensure fully integrated participation by developing States	9	6	2	1	_	89
Strategic direction 7: Ensure equitable sharing of financial and other economic benefits	Not applicable	_	Not applicable	_	_	Not applicable
Strategic direction 8: Improve the organizational performance of the Authority	21	16	3	1	_	90
Strategic direction 9: Commit to transparency	18	16	_	2	_	89
Total	105	76	11	17	1	83

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Annex II

Status of implementation by the secretariat of the relevant high-level actions and associated outputs for the 2022–2023 reporting period

The status of implementation by the secretariat of the relevant high-level actions and related outputs for the 2022–2023 reporting period is available (in English only) at the following link: www.isa.org.jm/wp-content/uploads/2023/05/ISBA_28_A_2_Add_1_Annex_II.pdf.