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Consideration and adoption of the draft strategic plan of the Authority for the five-year period 2024-2028

Consideration for adoption of the Strategic Plan of the Authority for the Period 2024-2028

Report of the Secretary-General

1. In its decision ISBA/24/A/10 of 27 July 2018 the Assembly of the Authority adopted the strategic plan of the International Seabed Authority for the period 2019-2023 providing, *inter alia*, a uniform basis for the strengthening of existing working practices of the Authority.
2. In this decision, the Assembly recognized that the operative period of the strategic plan would be five years as well as the importance of ensuring that the plan be kept under regular review and the results monitored for effectiveness. The Assembly subsequently requested the Secretary-General, *inter alia*, to inform regularly members of the Authority on progress with respect to the plan.
3. The term of the plan coming to an end, preparatory work was undertaken by the Secretariat early in January 2023, to develop a revised strategic plan for the period 2024-2028 for consideration by the Assembly as its twenty-eighth session. This preparatory work was further informed by the findings of a analytic report on the implementation of the strategic plan for the period 2019-2023 undertaken by a consultant. The consultant was selected following a public tender. The analysis carried out by the consultant was based on the several reports prepared by the Authority since 2019 to keep members and observers informed on the status of the implementation of the strategic plan for the period 2019-2023,¹ the findings of the independent report commissioned by the Secretary-General in 2021 to assess the contribution of the Authority to the achievement of the 2030 Agenda for Sustainable Development as well as content of the

* ISBA/28/A/L.1

¹ See the annual reports of the Secretary-General under article 166(4) of the Convention and in particular those for 2020 (ISBA/26/A/2), 2021 (ISBA/26/A/2/Add.1), 2022 (ISBA/27/A/2; ISBA/27/A/2/Add.1) and 2023 (ISBA/28/A/2) ; report on the implementation by the Assembly of the strategic plan for the reporting period 2019-2023 (ISBA/26/A/9); Statement of the President on the work of the Assembly of the Authority at its 26th session (ISBA/26/A/34), report of the Finance Committee (ISBA/26/A/10-ISBA/26/C/21), report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its 26th session (ISBA/26/C/12/Add.1)

Action Plan of the Authority in support of the United Nations Decade of Ocean Science for Sustainable Development² and the Capacity Development Strategy of the Authority.³

4. To complement this approach, the consultant interviewed different stakeholders of the Authority with the aim to reflect different interests, views and perspectives. A selection was made independently by the consultant who identified a group of stakeholders on the basis of the diversity of views they could bring to the discussion, taking into consideration their specific area of work and interest in the work of the Authority and giving the opportunity to the less active of them to be invited to share some views. A total of twenty-five (25) stakeholders were contacted and eventually seventeen (17) were interviewed. Ultimately, some delegations (8) were not able to meet with the consultant including two (2) that never responded to the invitation (one intergovernmental organization and one non-governmental organization). Taking note that many delegations were during the same time engaged in the work of the Council's intersessional working groups, an additional ten (10) stakeholders were contacted in June 2023 to allow them to contribute.

5. The Secretariat launched an open consultation for all stakeholders on the draft strategic plan for 2024-2028 during the period 26 May to 26 June 2023 inviting submissions, and comments. A total of eighteen (18) submissions on the draft strategic plan were received. The largest number of submissions was made by members of the Authority (9)⁴, followed by contractors (6)⁵. Two submissions were made by observers.⁶

6. The vast majority of submissions recognize that the adoption of the strategic plan and associated high-level action plan for the period 2019-2023 has significantly contributed to the implementation of the mandate assigned to the Authority by the Convention and the 1994 Agreement, and the achievement of the 2030 Agenda for Sustainable Development notwithstanding the challenges faced including during the COVID-19 pandemic. Several underscored that both the strategic plan and high-level action plan have provided a clear framework for organizing the work and priorities of the Authority for a specific timeline.

7. A large number of submissions also noted that the work of the Authority until today has been successful in promoting the orderly, safe and responsible management of the resources of the Area for the benefit of humankind as a whole, including by developing the necessary regulatory framework to govern and control activities in the Area, promote and encourage marine scientific research and support capacity development. Accordingly, the majority of submissions recognize that the Authority represents a useful and robust model for the sustainable management of the global commons as steward of the Area and its resources.

8. All submissions recognize that the main priority of the Authority for the next five years is to ensure the effective protection of the marine environment, especially in the context of adopting rigorous environmental regulations during the exploitation phase. Most of the submissions also identify the development and adoption of the exploitation regulations for minerals of the Area as a key priority. Several submissions also note the importance of advancing marine scientific knowledge to support the evidence base for decision-making.

9. The majority of submissions also note that the "context and challenges" and "results and priority outputs" identified in the first strategic plan for the period 2019-2023 continue to be relevant. Some delegations note the activation of the so-called 'two-year rule' and the need for legal resolution of this issue as a current challenge. Some also note the trend to promote a 'precautionary pause' on deep sea mining and the need for the Authority to respond to this challenge.

² ISBA/26/A/17.

³ ISBA/27/A/11.

⁴ Canada, Ecuador, Germany, Japan, Mexico, Nauru, Poland, Portugal, Federation of Russia, Senegal.

⁵ COMRA, GSR, IFREMER, IOM, NORI, TOML.

⁶ DSCC, PEW.

10. Building on the content and structure of the first strategic plan for the period 2019-2023 that has been designed to be “action oriented” and placing emphasis on the highest priorities identified by member States for the Authority during the period 2019-2023, the strategic plan has been revised to address the comments received. The plan as revised, appears in annex I of the present document, and is presented for consideration by the Assembly.

11. The Assembly is invited to consider, with a view to adoption, the strategic Plan of the International Seabed Authority for the Period 2024-2028 as contained in annex I to the present document. A draft decision is set out in annex II of the present document for this purpose.

Annex I

Draft Strategic Plan for the Authority for the Period 2024-2028

I. Introduction

1. The present strategic plan embodies the vision of the International Seabed Authority for the implementation of part XI and other provisions relating to the Area under the United Nations Convention on the Law of the Sea of 10 December 1982 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 during the five-year period 2024–2028. It takes into account that, pursuant to the 1994 Agreement, the setting up and the functioning of the Authority shall be based on an evolutionary approach in order that it may discharge effectively its responsibilities at various stages of the development of activities in the Area (1994 Agreement, annex, sect. 1 (3)).

2. The Convention and the 1994 Agreement constitute an intricate and unitary system of rights, obligations, duties and responsibilities in connection with activities in the Area. The system involves a broad stakeholder base which includes States parties, sponsoring States, flag States, coastal States, State enterprises, private investors, other users of the marine environment and interested international and non-governmental organizations. All have a role in the development, implementation and enforcement of rules and standards for activities in the Area to ensure that these activities are carried out for the benefit of humankind as a whole. Through this Plan, the Authority aims to engage with relevant stakeholders including contractors in implementing the regime for the Area accordingly. The strategic plan will be supplemented by an action plan, including key performance indicators, and will be kept under regular review by the Assembly.

3. The strategic plan consists of the following components:

- (a) Mission statement;
- (b) Context and challenges;
- (c) Strategic directions for 2024–2028;
- (d) Expected outcomes.

4. The guiding principles of the strategic plan are the following:

- (a) To ensure the realization of the principle relating to the common heritage of humankind for the Area and its resources;
- (b) To promote the orderly, safe and rational management of the resources of the Area for the benefit of humankind as a whole;
- (c) To support the implementation of the international legal regime of the Area, including the adoption by the Authority of rules, regulations and procedures for exploitation activities in the Area;
- (d) To ensure a better understanding and the effective protection of the marine environment;
- (e) To promote harmonized approaches to the protection of the marine environment and its resources;
- (f) To promote the exchange of best practices among States and contractors;
- (g) To provide broad public access information;
- (h) To ensure the use of best available scientific information in decision-making;

(i) To require the application of the precautionary approach, as reflected in Principle 15 of the Rio Declaration on Environment and Development,⁷ best available techniques and best environmental practices;

(j) To ensure transparency and accountability.

5. The strategic directions and priorities identified in the plan are directed primarily by:

(a) The Convention, and in particular article 162 (2) (o) (ii), in which it is stated that: priority shall be given to the adoption of rules, regulations and procedures for the exploration for and exploitation of polymetallic nodules;

(b) The Convention, and in particular article 145 which states inter alia “Necessary measures shall be taken in accordance with this Convention with respect to activities in the Area to ensure effective protection for the marine environment from harmful effects which may arise from such activities;

(c) The 1994 Agreement, including:

(i) Annex, section 1 (5), which sets out the matters on which the Authority will concentrate between the entry into force of the Convention and the approval of the first plan of work for exploitation;

(ii) Annex, section 1 (5) (g), which requires the Adoption of rules, regulations and procedures incorporating applicable standards for the protection and preservation of the marine environment;

(iii) Annex, section 1 (5) (f), which requires the adoption of rules, regulations and procedures necessary for the conduct of activities in the Area as they progress and that such rules, regulations and procedures take into account the terms of the Agreement, the prolonged delay in commercial deep seabed mining and the likely pace of activities in the Area;

(iv) Annex, section 1(15), which requires the elaboration and adoption of rules regulations and procedures necessary to facilitate the approval of plans of work for exploration or exploitation, and in particular the elaboration and adoption of rules, regulations or procedures regarding exploitation within two years of a request by a State Party under section 1(15)(a);

(v) Annex, section 2, with regard to those functions of the Enterprise that complement the relevant priorities as set out in section 1 (5) of the annex;

(vi) Annex, section 5, with regard to those principles, in addition to the provisions of article 144 of the Convention, on transfer of technology, that complement the relevant priorities as set out in section 1 (5) of the annex;

(vii) Annex, section 6, with regard to those principles for a production policy that complement the relevant priorities as set out in section 1 (5) of the annex.

6. The Plan also takes into account:

(a) The current status of implementation by the Authority of the priorities set out in the 1994 Agreement, in particular those set out in section 1 (5) of the annex, and in the Convention, as well as activities mandated by the Council;

(b) The Authority’s current and projected workload, resources and capacity for the period of the present strategic plan;

⁷ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992, vol. I, Resolutions adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex I.

(c) Other relevant international agreements, processes, principles and objectives, including the 2030 Agenda for Sustainable Development, the Global Biodiversity Framework and the Agreement 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.

II. Mission statement

7. The mission of the International Seabed Authority is to be the organization through which States parties organize and control activities in the Area, which is the common heritage of humankind, to promote the orderly, safe and responsible management and development of the resources of the Area for the benefit of humankind as a whole, including by ensuring the effective protection of the marine environment.

8. This will be accomplished in accordance with sound principles of conservation and contributing to agreed international objectives and principles, including the Sustainable Development Goals and by developing and maintaining a comprehensive regulatory mechanism for commercial deep seabed mining that ensures effective protection of the marine environment and of human health and safety, provides for a payment regime that treats fairly contractors, the Authority and all humankind, ensures that contractors moves from exploration to exploitation in a lawful manner and the equitable sharing of financial and other economic benefits from activities in the Area and that allows for the fully integrated participation of developing States through the exchange of knowledge and best practices consistent with the principle that the Area and its resources are the common heritage of humankind.

III. Context and challenges

9. In an ever-changing world, and in its role as custodian of the common heritage of humankind, the Authority faces many challenges. As described in the present section, it needs to achieve an appropriate balance between multiple objectives.

Globalization and sustainable development

10. In all its work, the Authority is guided by the 2030 Agenda for Sustainable Development (General Assembly resolution 70/1), including the 17 Sustainable Development Goals adopted as part of this agenda. Of most relevance to the Authority is Goal 14 (Conserve and sustainably use the oceans, seas and marine resources for sustainable development), but other Goals also have relevance to the work of the Authority (see appendix I).

11. The challenge for the Authority is to contribute to the timely and effective implementation of the Sustainable Development Goals, in particular Goal 14, through implementing the economic, environmental and social mandates assigned to it under the Convention and the 1994 Agreement. These mandates include: ensuring that activities in the Area are carried out for the benefit of humankind as a whole (Convention, art. 140 (1)); ensuring effective protection for the marine environment (*ibid.*, art. 145); and of human life (*ibid.*, art. 146); promoting and encouraging the conduct of marine scientific research in the Area (*ibid.*, art. 143); and the effective participation of developing States in activities in the Area (*ibid.*, art. 148). Also included are the importance of fostering healthy development of the world economy and balanced growth of international trade (*ibid.*, art. 150); ensuring the development of the resources of the Area (*ibid.*, art. 150 (a)); the orderly, safe and rational management of the resources of the Area (*ibid.*, art. 150 (b)); the enhancement of opportunities for all States parties (*ibid.*, art. 150 (g)); and the development of the common heritage for the benefit of humankind as a whole (*ibid.*,

art. 150 (i)).

12. In 2021, an independent study commissioned by the Secretary-General identified that the Authority's mandate makes a meaningful contribution to 12 of the 17 Sustainable Development Goals, including SDG 1 (No poverty), SDG 8 (Decent work and economic growth), SDG 10 (Reduced inequalities), SDG 12 (Responsible consumption and production), SDG 13 (Climate action), SDG 14 (Life below water), SDG 15 (Life on land), SDG 16 (Peace, justice and strong institutions) and SDG 17 (Partnerships for the goals). The report made several recommendations where members of the Authority and the Secretariat could strengthen working practices within the Authority and also highlighted how resourcing constraints could limit the Authority's ability to be proactive in addressing its current challenges. The independent study also recognized the role of the Authority in addressing the challenges posed by climate change and the need to give careful consideration to the trade-offs that will need to be collectively agreed to find an appropriate balance between preserving the deep seabed and utilizing its resources sustainably for human development.

The need for exploitation regulations

13. The primary means by which the Authority is required to organize, carry out and control activities in the Area on behalf of humankind as a whole is to adopt and uniformly apply rules, regulations and procedures (ibid., annex III, art. 17). The basis for these rules, regulations and procedures is annex III to the Convention, which complements part XI and is further governed by the 1994 Agreement. Annex III sets out the basic conditions for prospecting, exploration and exploitation in the Area. The 1994 Agreement stipulates that rules, regulations and procedures relating to the conduct of activities in the Area are to be adopted as those activities progress. Regulations governing exploration have been adopted, and the challenge now is to adopt sound and balanced regulations for exploitation which prioritize environmental protection. Such a priority has been recognized by the Authority following the request by the Republic of Nauru to the Council, effective as of 9 July 2021, pursuant to section 1, paragraph 15, of the 1994 Agreement relating to the implementation of Part XI of the Convention, that the Council completes within two years the adoption of the rules, regulations and procedures necessary to facilitate the approval of plans of work for exploitation in the Area. Rules, regulations and procedures for exploitation must reflect best international standards and practices, as well as internationally agreed principles of sustainable development.

14. Since 2015, substantial progress has been made in elaborating a regulatory framework for exploitation. Whilst the regulatory framework remains incomplete, there is broad recognition that regulatory certainty, with clear requirements to ensure environmental protection and clear financial terms, is critical prior to consideration of any application for a plan of work for exploitation. In this context, the Council reiterated in March 2023, its commitment to the completion of the rules, regulations and procedures relating to exploitation in accordance with the Convention and the 1994 Agreement.⁸

⁸ ISBA/28/C/9.

Environmental protection

15. Ensuring effective protection for the marine environment from harmful effects which may arise from activities carried out in the Area (*ibid.*, art. 145) receives detailed attention in the Convention and the 1994 Agreement. The 1994 Agreement provides that the adoption of rules, regulations and procedures incorporating applicable standards for the protection and preservation of the marine environment (1994 Agreement, annex, sect. 1 (5) (g)) is one of the matters on which the Authority will concentrate between the entry into force of the Convention and the approval of the first plan of work for exploitation. The Convention requires the Authority to adopt rules, regulations and procedures designed to prevent, reduce and control pollution and other hazards to the marine environment having the potential to interfere with the ecological balance of the marine environment. The Authority is also required to protect and conserve the natural resources of the Area, preventing damage to the flora and fauna of the marine environment (Convention, art. 145).

16. The challenge for the Authority is to adopt a policy and regulatory framework for environmental management that achieves the effective protection of the marine environment, under circumstances of considerable scientific, technical and commercial uncertainty. The framework should be effective, adaptive, practical and technically feasible. It must satisfy the extensive marine environmental protection requirements of the Convention, as well as take into account relevant aspects of the Sustainable Development Goals and other international environmental instruments, such as the Global Biodiversity Framework and the legally binding agreement under the Convention for the conservation and sustainable use of biodiversity beyond national jurisdiction. The process for developing the framework and its implementation must be transparent and allow for stakeholder input. The development of regional environmental assessments and management plans, in particular, demands a collaborative and transparent approach to both the collection and the sharing of environmental data. The process must ensure the fully integrated participation of developing States, not least in connection with international obligations to build technical capacity.

Promoting the sharing of the results of marine scientific research

17. Marine scientific research plays a critical role in the responsible management of the oceans and their resources. Such research is also vital to scientific advancement and to the effective, efficient and commercially and environmentally sustainable conduct of activities in the Area. It is first mentioned in the preamble to the Convention, and an entire chapter of the Convention (part XIII) is devoted to the subject, which is also addressed in relation to the Area in part XI and in the 1994 Agreement. The contribution of the work of contractors in the realization of this goal is generally recognized as being one of the primary sources of information and data collected in the Area which support the advancement of scientific knowledge and understanding of the deep-sea environment and their ecosystems.

18. Under article 143 (2) of the Convention, the Authority must promote and encourage the conduct of marine scientific research in the Area and coordinate and disseminate the results of such research and analysis when available. The Authority may also carry out marine scientific research in its own right (Convention, art. 143 (2)). The need to ensure acquisition of scientific knowledge is identified among the priorities of the Authority (1994 Agreement, annex, sect. 1 (5) (i)). The contribution of the work of contractors in that respect is key. 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.

19. 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, 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)⁹. The Action Plan is structured around six strategic research priorities and it is recognized that its content will continue to evolve as new strategic research priorities are identified and endorsed by the members of the Authority. One of the flagship initiatives of the Authority for the implementation of the Action Plan for Marine Scientific Research is the Sustainable Seabed Knowledge Initiative, launched at the United Nations Ocean Conference in Lisbon in 2022.

20. A key feature of the Action Plan, further reflected in the Women in Deep-Sea Research Project and in several capacity-development activities realized by the Authority, is the priority recognised to the participation of women in marine scientific research. So far, 9 contractors have pledged to allocate 50 per cent of their training opportunities to qualified women applicants, when possible. The challenge for the Authority is therefore to continue its action in favor of women's empowerment and leadership in marine scientific research particularly for women scientist from developing States, including those from least developed countries, landlocked developing countries and small island developing States, including through increased mobilisation of contractors in support of this objective.

21. The challenge for the Authority is to adopt strategies and to seek adequate resources to enable it to strengthen cooperation with States parties, the international scientific community, contractors and relevant international organizations, such as the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Food and Agriculture Organization of the United Nations (FAO), the International Hydrographic Organization, and collaborative scientific research programmes such as the Seabed Mining and Resilience to Experimental Impact (SMARTEX) and the Conservation and restoration of deep-sea ecosystems in the context of deep-sea mining (DEEP REST) projects, to obtain, assess and disseminate quantitative and qualitative data and information in an open and transparent manner.

The importance of capacity development and technology transfer in realizing the common heritage of humankind

22. Capacity development and technology transfer are closely linked and the Convention therefore sets out specific requirements to deal with them accordingly. The Authority is thereby required to take measures to acquire technology and scientific knowledge relating to activities in the Area (ibid., art. 144 (1) (a)) and to ensure a variety of both capacity-building and technology transfer mechanisms for developing States (ibid., art. 274). In line with this, States are required by the Convention to cooperate actively with competent international organizations and the Authority to encourage and facilitate the transfer to developing States, their nationals and the Enterprise of skills and marine technology with regard to activities in the Area (ibid., art. 273).

23. The challenge for the Authority is to ensure that capacity development and technology transfer measures are developed and implemented effectively, subject to all legitimate interests, including the rights and duties of holders, suppliers and recipients of technology (ibid., art. 274) and that they reflect the needs of developing States, identified through transparent processes in which developing States are full participants. Among them, the training programmes carried out by contractors under article 15 of Annex III to the Convention and the 1994 Agreement, has long played a key role in building the capacities of personnel from developing States. The Capacity Development Strategy of the Authority

⁹ ISBA/26/A/17.

adopted by the Assembly in July 2022¹⁰ identified five key result areas with a view to guiding the development and implementation of tailored programmes, projects and activities to address the needs identified by developing States, members of the Authority.

Facilitating the participation of developing States in activities in the Area

24. The Authority must promote the participation of developing States in activities in the Area. This is explicit in the Convention and the 1994 Agreement. Activities in the Area shall be carried out with a view to ensuring the expansion of opportunities for participation in such activities consistent with articles 144 and 148 (ibid., art. 150 I); the enhancement of opportunities for all States Parties, irrespective of their social and economic systems or geographical location, to participate in the development of the resources of the Area (ibid., art. 150 (g)); and the development of the common heritage for the benefit of humankind as a whole (ibid., art. 150 (i)). The challenge for the Authority is to identify mechanisms, including capacity development programmes, to ensure fully integrated participation by developing States in activities in the Area at all levels. This includes establishing the necessary mechanisms for the independent operation of the Enterprise in a way that meets the requirements of the Convention and the 1994 Agreement.

Equitable sharing of benefits

25. The Authority must adopt rules, regulations and procedures for the equitable sharing of financial and other economic benefits derived from activities in the Area (ibid., art. 140 (2)). Similar rules, regulations and procedures must also be adopted for the distribution of payments made through the Authority under article 82 (4) of the Convention, in respect of the exploitation of non-living resources on the continental shelf beyond 200 nautical miles (ibid., art. 82 (1)).

26. The challenge for the Authority in developing equitable sharing criteria is to understand the financial and economic model for deep seabed mining in an environment of considerable commercial uncertainty, including the trends of and the factors affecting supply, demand and prices of minerals which 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 (ibid., art. 164 (2) (b)).

27. Although it is not yet known when commercial recovery of minerals from the Area will begin, the Finance Committee has considered, at a technical level, the conceptual basis for the development of equitable sharing criteria and possible options for distribution. It will be important during the period of this strategic plan to advance its work in parallel with the development of the exploitation regulations and taking into account the views of all stakeholders including potential beneficiaries identified under the Convention.

Organizational development

28. In accordance with the 1994 Agreement, 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 is also emphasized in the 1994 Agreement that, in order to minimize costs to States parties, all organs and subsidiary bodies to be established under the Convention shall be cost-effective (1994

¹⁰ ISBA/27/A/11.

Agreement, annex, sect. 1 (2)).

29. The challenge for the Authority is to respond effectively and efficiently to the needs of the regulatory regime and to be ready to perform its functions as a supervisory body in anticipation of the commencement of the commercial exploitation of deep seabed minerals. The Authority must continue to adapt, enhance and increase its structural and functional capacities at a rate that keeps pace with progress in deep sea mining, covers all necessary disciplines and ensures that adequate and appropriate levels of flexibility are built into the system whilst continuously scrutinizing the needs and costs for the establishment and functioning of any new organs and subsidiary bodies.

30. As highlighted in the independent report on the contribution of the Authority to the achievement of the 2030 Agenda, a key challenge to creating an Authority with the necessary institutional capacities is that the financial resources of the Authority have not increased in line with its expanding responsibilities. It will be critical to ensure that adequate funding is available to support the evolution of the institutional and regulatory framework, especially during the transition from exploration to exploitation. It is essential to plan well in advance for the future evolution of the organization and its subsidiary bodies.

Transparency

31. Transparency is an essential element of good governance and is therefore a guiding principle for the Authority in the conduct of its business as a publicly accountable international organization. This includes transparency in the internal administration of the Authority, as well as its internal procedures, the procedures of its various organs and subsidiary bodies and its procedures towards States. Transparency plays a fundamental role in building trust in the Authority and in enhancing the Authority's accountability, credibility and support across its stakeholder base.

IV. Strategic directions

Strategic direction 1

Realize the role of the Authority in a global context

32. The Authority will implement the following mutually reinforcing strategic directions:

Strategic direction 1.1. Align its programmes and initiatives towards the realization of those Sustainable Development Goals which are relevant to its mandate.

Strategic direction 1.2. Establish and strengthen strategic alliances and partnerships with relevant subregional, regional and global organizations with a view to more effective cooperation in the conservation and sustainable use of ocean resources, in line with their respective mandate and responsibilities recognized by the United Nations Convention on the Law of the Sea and international law, including the pooling of resources and funding, where appropriate, in particular in connection with marine scientific research and the development and implementation of regional environmental management plans, to avoid the duplication of efforts and to benefit from synergies.

Strategic direction 1.3. Build a comprehensive and inclusive approach to the development of the common heritage for the benefit of humankind as a whole that balances the three pillars of sustainable development and gives particular importance to the needs of developing States.

Strategic direction 1.4. Monitor and enforce the effective and uniform implementation of the international legal regime of the Area, including the Authority's rules, regulations and procedures, and engage with sponsoring States to inform the development of the regulatory regime and to avoid jurisdictional gaps or overlaps in controls and regulations.

Strategic direction 1.5. Strengthen cooperation and coordination with other relevant

international organizations and stakeholders in order to promote mutual “reasonable regard” between activities in the Area and other activities in the marine environment and to effectively safeguard the legitimate interests of members of the Authority and contractors, as well as other users of the marine environment.

Strategic direction 2

Strengthen the regulatory framework for activities in the Area

33. The Authority will implement the following strategic directions:

Strategic direction 2.1. Adopt rules, regulations and procedures covering all phases of deep sea mineral exploration and exploitation on the basis of best available information and in line with the policies, objectives, criteria, principles and provisions set out in the Convention and the 1994 Agreement in a timely manner.

Strategic direction 2.2. Ensure that the rules, regulations and procedures governing mineral exploitation incorporate best practices for environmental management to ensure effective protection for the marine environment from harmful effect and are underpinned by sound commercial principles in order to attract investment on a “level playing field” amongst contractors and with respect to land-based mining and that they reflect evolving best practices from land-based mining sector governance, in accordance with the Convention and the 1994 Agreement.

Strategic direction 2.3. Ensure that the legal framework for activities in the Area is adaptive and responsive to new technology, information and knowledge and advances in international law relating to the Area, in particular in connection with international law rules on responsibility and liability.

Strategic direction 2.4. Ensure that the regulatory framework gives due consideration to and promotes the participation of developing States in activities in the Area in accordance with the Convention and the 1994 Agreement.

Strategic direction 2.5. Advance the development of the regulatory framework for activities in the Area, taking into account trends and developments relating to deep seabed mining activities, including objective analysis of world metal market conditions and metal prices, trends and prospects, through a predictable process with clear timelines, based on consensus, and that allows for stakeholder input in appropriate ways.

Strategic direction 2.6. Continue to monitor 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 and develop possible criteria for economic assistance.

Strategic direction 3

Protect the marine environment

34. The Authority will implement the following strategic directions:

Strategic direction 3.1. Develop, adopt, implement and keep under review an adaptive, practical and technically feasible regulatory framework, based on best environmental practices, for the protection of the marine environment from harmful effects which may arise from activities in the Area.

Strategic direction 3.2. 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.

Strategic direction 3.3. Ensure broad public access to information, including environmental information from contractors, and the scientific community including by further developing and reinforcing the operational capabilities of DeepData.

Strategic direction 3.4. Develop scientifically and statistically robust methodologies to assess the potential risk for activities in the Area to interfere with the ecological balance of the marine environment including criteria for evaluating the adequacy of environmental baseline information.

Strategic direction 3.5. Develop appropriate regulations, procedures, thresholds monitoring programmes and methodologies to prevent, reduce and control pollution and other hazards to the marine environment, as well as interference with the ecological balance of the marine environment, prevent damage to the flora and fauna of the marine environment and implement the relevant requirements relating to the protection of the marine environment as contained in Part XII of the Convention.

Strategic direction 3.6. Ensure effective consultation with stakeholders, consistent with Strategic direction 9.4, on all matters relating to the protection of the marine environment, including the development and implementation of the regulatory framework of activities in the Area.

Strategic direction 4 **Promote and encourage marine scientific research in the Area**

35. The Authority will implement the following strategic directions:

Strategic direction 4.1. Continue to promote and encourage the conduct of marine scientific research with respect to activities in the Area, with particular emphasis on research related to the environmental effects of activities in the Area to reduce unknowns and uncertainties.

Strategic direction 4.2. Collect and disseminate the results of research and analysis, when available.

Strategic direction 4.3. Strengthen and, as appropriate, establish strategic alliances and partnerships with relevant subregional, regional and global organizations to advance the strategic research priorities of the Action Plan in support of the United Nations Decade of Ocean Science for Sustainable Development¹¹, including the Intergovernmental Oceanographic Commission of UNESCO, FAO and the International Hydrographic Organization and collaborative scientific research programmes, and the sharing of data and information in an open and transparent manner, avoid the duplication of efforts and benefit from synergies,.

Strategic direction 4.4. Be proactive in engaging with the international scientific community through workshops and sponsored publications particularly with contractors to advance scientific research and knowledge of the Area and by promoting access to non-confidential information and data, in particular those data relating to the marine environment.

Strategic direction 4.5. Compile summaries of the status of environmental baseline data and develop a process to assess the environmental implications of activities in the Area (Convention, art. 165 (2) (d)).

Strategic direction 4.6. Continue to promote and encourage the empowerment of women in deep-sea research particularly those from developing States, including from least developed countries, landlocked developing countries, and small island developing States.

¹¹ ISBA/26/A/17.

Strategic direction 5

Developing the capacity of developing States

36. The Authority will implement the following strategic directions:

Strategic direction 5.1. Ensure that all capacity development programmes and measures and their delivery are meaningful, tangible, efficient, effective and targeted at the needs of developing States, as identified by developing States.

Strategic direction 5.2. Develop the ISA Partnership Fund as the main platform for resource mobilization, capacity development and the provision of technical assistance.

Strategic direction 5.3 Promote, prioritize and implement capacity development measures in all projects and activities, as far as practicable, implemented by the Authority, alone and in partnership, with an emphasis on the needs identified by developing States.

Strategic direction 5.4. Build on the achievements of the contractors' training programmes and assess their long-term impact and contribution to capacity development of developing States .

Strategic direction 6

Ensure fully integrated participation by developing States

37. The Authority will implement the following strategic directions:

Strategic direction 6.1. Continue to promote and seek opportunities for fully integrated participation by developing States in the implementation of the regime for the Area, paying special attention to the needs of land-locked and geographically disadvantaged States, small island developing States and the least developed countries.

Strategic direction 6.2. Undertake a review of the extent of the participation by developing States in the Area, identify and understand any specific barriers to such participation and address them accordingly, including through targeted outreach and partnerships.

Strategic direction 6.3. In cooperation with States parties, initiate and promote measures providing opportunities to personnel from developing States for training in marine science and technology and for their full participation in activities in the Area (Convention, art. 144 (2) (b)).

Strategic direction 6.4. Carry out a detailed resource assessment of the reserved areas that are available to the Enterprise and developing States.

Strategic direction 6.5. Identify possible mechanisms for the independent operation of the Enterprise in a way that meets the objectives of the Convention and the 1994 Agreement.

Strategic direction 7
Ensure equitable sharing of financial and other economic benefits

38. The Authority will implement the following strategic direction:

Strategic direction 7.1. Adopt and apply in a transparent manner rules, regulations and procedures for the equitable sharing of financial and other economic benefits derived from activities in the Area.

Strategic direction 7.2. Adopt and apply in a transparent manner rules, regulations and procedures for the equitable sharing of payments and contributions in kind made pursuant to art.82(4) of UNCLOS.

Strategic direction 8
Improve the organizational performance of the Authority

39. The Authority will implement the following strategic directions:

Strategic direction 8.1. Strengthen its institutional capacity and functioning through the allocation of sufficient resources and expertise to deliver its work programmes.

Strategic direction 8.2. Ensure a fuller, more active and more informed participation by members of the Authority and other stakeholders through the adoption of working methods that are efficient, focused, targeted and effective and delivered under enhanced conditions of transparency and accountability, leading to a more inclusive approach to decision-making.

Strategic direction 8.3. Keep work programmes and working methodologies under review such that they achieve the objectives set by members of the Authority within a reasonable time frame and in a cost-effective manner through improved planning and management.

Strategic direction 8.4. Assess long-term options for funding its operations.

Strategic direction 9
Commit to transparency

40. The Authority will implement the following strategic directions:

Strategic direction 9.1. Communicate information about its work in a timely and cost-effective manner.

Strategic direction 9.2. Ensure public access to non-confidential information.

Strategic direction 9.3. Adopt clear, open and cost-effective working practices and procedures and ensure that the chain of responsibility and accountability of all relevant actors is fully understood and properly managed in the development, implementation and enforcement of technical, environmental, operational, scientific and safety regulations and standards for activities in the Area.

Strategic direction 9.4. Implement a stakeholder communications and consultation strategy and platform which facilitates open, meaningful and constructive dialogue, including on stakeholder expectations.

V. Expected outcomes

41. Successful implementation of the plan and its strategic directions will result in the delivery of:

(a) A comprehensive legal framework for carrying out activities in the Area for the benefit of humankind as a whole (Convention, art. 140 (1)), including necessary measures

to ensure:

(i) Effective protection for the marine environment (ibid., art. 145);

(ii) Effective protection of human life (ibid., art. 146);

(iii) Orderly, safe, and rational management of the resources of the Area, including the efficient conduct of activities in the Area and, in accordance with sound principles of conservation, the avoidance of unnecessary waste (ibid., art. 150 (b)), drawing on the best available scientific evidence and generally accepted applicable international rules and standards.

(b) (iv) Ensure that rates and payments under the system shall be within the range of those prevailing in respect of land-based mining of the same or similar minerals in order to avoid giving deep seabed miners an artificial competitive advantage or imposing on them a competitive disadvantage; An appropriate mechanism to provide for the equitable sharing of financial and other economic benefits derived from activities in the Area on a non-discriminatory basis (ibid., art. 140 (2)), as further directed by the objectives, principles and requirements set out in article 13 (1) of annex III to the Convention and section 8 of the annex to the 1994 Agreement.

(c) The promotion and encouragement of the conduct of marine scientific research in the Area and to coordinate and effectively disseminate the results of such research and analysis when available, as required under article 143 (2) of the Convention.

(d) The ability to acquire technology and scientific knowledge relating to activities in the Area and to promote and encourage the transfer to developing States of such technology and scientific knowledge so that all States Parties benefit therefrom (ibid., art. 144, and as further governed by the principles set out in the 1994 Agreement, annex, sect. 5) and to promote the effective participation of developing States in activities in the Area as specifically provided for in part XI (Convention, art. 148).

(e) An Authority with the institutional capacity, public acceptance, credibility and state of readiness needed to act as an effective regulator of activities in the Area by reference to contemporary benchmarks, and as a publicly accountable supervisory body that facilitates access to information and values contributions by stakeholders.

(f) Enhanced effectiveness and reach of the Authority in carrying out its functions under the Convention through meaningful two-way stakeholder communication.

(g) An effective contribution by the Authority to the achievement of relevant Sustainable Development Goals by alignment of its programmes and initiatives.

(h) Identification and prioritization of technical assistance needs for developing States, including those to help facilitate fully integrated participation in activities in the Area.

(i) The establishment of a monitoring programme to observe, measure, evaluate and analyse, by recognized scientific methods, on a regular basis, the risks or effects of pollution of the marine environment resulting from activities in the Area, ensure that existing rules, regulations and procedures are adequate and are complied with and coordinate the implementation of the monitoring programme (ibid., art. 165 (2) (h)).

(j) Monitoring and review of trends and developments relating to deep seabed mining activities, including objective analysis of world metal market conditions and metal prices, trends and prospects and the study of the potential impact of mineral production from the Area on the economies of developing land-based producers of those minerals which are likely to be most seriously affected, with a view to minimizing their difficulties and

assisting them in their economic adjustment(1994 Agreement, annex, sect. 1 (5) (d) and (e)).

(k) Operationalization of the Enterprise as foreseen in the Convention and the 1994 Agreement.

Annex II

Draft Decision of the Assembly of the International Seabed Authority relating to the Strategic Plan of the Authority for the Period 2024-2028

The Assembly of the International Seabed Authority,

Recalling its decision of 27 July 2018, at the twenty-fourth session of the International Seabed Authority (ISBA/24/A/10), through which it adopted the first strategic plan of the Authority for the period 2019-2023 with a view to provide, *inter alia*, a uniform basis for the strengthening of existing working practices of the Authority;

Recalling further that the operative period of the strategic plan for 2019-2023 was five years as well as the importance of ensuring that the plan be kept under regular review and the results monitored for effectiveness;

Acknowledging with appreciation the efforts of the Secretary-General to inform regularly members of the Authority on progress with respect to the strategic plan¹²;

Recognizing the important progress realised by the Authority in implementing the mandate and responsibilities assigned to it by the Convention and the 1994 Agreement relating to the implementation of Part XI of the Convention, despite the challenges faced, including during the COVID-19 pandemic;

Recognizing also the importance of allocating sufficient resources to the Authority, especially during the transition from exploration to exploitation;

Acknowledging further that thirty exploration contracts currently signed by the Authority will be in force during the period of the Plan and, the need to adopt sound and balanced regulations the exploitation minerals of the Area;

1. *Adopts* the Strategic Plan of the International Seabed Authority for the Period 2024-2028, as contained in the annex, which provides a uniform basis for the strengthening of existing working practices of the Authority;

2. *Invites* members of the Authority and observers as well as the organs of the Authority to support the implementation of the Strategic Plan;

3. *Requests* the Secretary-General, as a matter of priority, to prepare a High-Level Action Plan, to include key performance indicators and a list of outputs for the next five years, and taking into account available financial and human resources, for consideration by the Assembly at its twenty-ninth session.

¹² See the annual reports of the Secretary-General under article 166(4) of the Convention and in particular those for 2020 (ISBA/26/A/2), 2021 (ISBA/26/A/2/Add.1), 2022 (ISBA/27/A/2; ISBA/27/A/2/Add.1) and 2023 (ISBA/28/A/2) ; report on the implementation by the Assembly of the strategic plan for the reporting period 2019-2023 (ISBA/26/A/9); Statement of the President on the work of the Assembly of the Authority at its 26th session (ISBA/26/A/34), report of the Finance Committee (ISBA/26/A/10-ISBA/26/C/21), report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its 26th session (ISBA/26/C/12/Add.1).

4. *Also requests* the Secretary-General to continue providing the Assembly with an overview of the implementation mechanisms for monitoring, evaluation and learning;

5. *Recognizes* that the operative period of the Strategic Plan will be five years, without excluding the possibility, to adopt a longer-term plan in the future.
