



Contribution to the Report of the Secretary-General of the United Nations on oceans and the law of the sea, as mandated by United Nations General Assembly resolution 75/239 of 31 December 2020, entitled “Oceans and the law of the sea”

18 June 2020

Ongoing Twenty-sixth session of the Authority

1. The twenty-sixth session is still ongoing as it has been carried from 2020 over to 2021 to continue addressing the various items on the agenda of both the Assembly and the Council. While face-to-face meetings of both organs were originally scheduled to be held in July 2021, due to the ongoing situation of the COVID-19 pandemic, the face-to-face meetings have been further deferred to a late date this year.¹ Nevertheless, the Assembly and the Council have made substantive progress in relation to a number of time-sensitive key issues through the silence procedure.

2. The Council, in late 2020, approved a plan of work for exploration of polymetallic nodules by Blue Minerals Jamaica Limited, sponsored by Jamaica.² In March 2021, the Council decided to increase the amount of annual overhead charges to be paid by Contractors to \$80,000 starting from the year of 2022.³ And on 30 March 2021, the Council decided to extend by one year the terms of office of the current members of the Legal and Technical Commission, such that they will expire on 31 December 2022.⁴

3. In December 2020, the Assembly re-elected Michael W. Lodge for the second term as the Secretary-General.⁵ The Assembly also adopted the budget of the Authority for the financial period of 2021-2022, based on the recommendations of the Council⁶ and elected the members of the Council to fill the vacancies.⁷ Additionally, the Assembly adopted the Action Plan of in support of the United Nations Decade of Ocean Science for Sustainable Development,⁸ and a decision relating to the implementation of a programmatic approach to capacity development.⁹ The Assembly adopted a decision to name the museum of the International Seabed Authority in honor of Nii Allotey

¹ See the Joint letter from the President of the Assembly and the President of the Council at https://isa.org.jm/files/files/documents/Joint_Letter.pdf

² See ISBA/26/C/27/Rev.1.

³ See ISBA/26/C/28.

⁴ See ISBA/26/C/30.

⁵ See ISBA/26/A/16.

⁶ See ISBA/26/A/19.

⁷ See ISBA/26/A/20.

⁸ See ISBA/26/A/17.

⁹ See ISBA/26/A/18.

Odunton,¹⁰ former Secretary-General of the Authority.

4. Regardless of the current constraints, the Legal and Technical Commission and the Finance Committee have continued their work remotely.

5. The 6-week virtual meetings of the Legal and Technical Commission started in March 2021 and are scheduled to end in early July 2021. As a priority matter, the Commission has completed review of requests for extension of exploration contracts by seven contractors and made recommendations thereon.¹¹ The Commission has also made progress in its work on draft standards and guidelines for deep-sea mining activities. In this regard, all remaining phase-one draft standards and guidelines were subsequently released for stakeholder consultation, which will conclude on 3 July 2021.¹² Furthermore, the Commission will complete, in early July 2021, its review of annual reports submitted by the contractors.

6. The Finance Committee held two virtual meetings in March and May 2021 and will have its third virtual meeting in June 2021. It is anticipated that the Committee will complete all items under the revised agenda¹³ and as usual submit an additional report for the consideration by the Council and the Assembly.

Status of exploration contracts

7. As at 15 June 2021, a total of 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. It is noted that the contract for exploration for polymetallic nodules with Blue Minerals Jamaica Ltd., sponsored by Jamaica, was signed on 4 April 2021.

Development of the Mining Code, including development of Standards and Guidelines

8. The open-ended working group (OEWG) of the Council in respect of the development and negotiation of the financial terms of a contract, chaired by H.E. Mr. Olav Myklebust (Norway), held a fourth meeting in October 2020 to further advance work on the payment mechanism for polymetallic nodules as a priority.¹⁴ At the fourth meeting, the open-ended working group considered a report to further refine the two-stage fixed ad valorem royalty mechanism and the two-stage progressive ad valorem royalty mechanism under consideration, as well as a comparative study of the financial aspects of seabed mining and land-based mining. The open-ended working group will resume its discussions when it can next meet in person.

9. In response to the request of the Council, the Commission continued its work on standards and guidelines as a priority matter. Focus is currently placed on the standards and guidelines deemed necessary under phase one to be in place by the time of adoption of the draft regulations on exploitation. Three sets of draft standards and guidelines in respect of preparation and assessment of an application for approval of a plan of work for exploitation, development and application of

¹⁰ See ISBA/26/A/15.

¹¹ See ISBA/26/C/31, ISBA/26/C/32, ISBA/26/C/33, ISBA/26/C/34, ISBA/26/C/35, ISBA/26/C/36, ISBA/26/C/37 and ISBA/26/C/38.

¹² See <https://isa.org.im/mining-code/standards-and-guidelines> .

¹³ See ISBA/26/FC/1/Rev.1.

¹⁴ See https://isa.org.im/files/files/documents/4thMeet-DocList_3.pdf .

environmental management system, and the form and calculation of an environmental performance guarantee, were released for stakeholder consultation between 24 August and 21 October 2020. The comments received are all available on the website of the Authority.¹⁵ During the resumed meetings of the 26th session in 2021, the Commission released other seven sets of standards and guidelines under phase-one for stakeholder consultation until 3 July 2021. It is anticipated that the Commission will consider comments received from stakeholders at its next meeting, in September 2021.

Development of Regional Environmental Management Plans

10. In line with the strategy endorsed by the Council at its 25th session, the Authority has made significant progress towards the development of regional environmental management plans (REMPs), which reflects the Authority's commitment to ensuring the effective protection of marine environment, including marine biodiversity and deep-sea ecosystems.

11. At its virtual meetings in May 2021, the Legal and Technical Commission conducted a review of the implementation of the environmental management plan for the Clarion-Clipperton Zone (CCZ), as requested by the Council. The review identified the progress made since the adoption of the plan in 2012, including in relation to the effectiveness of the network of areas of particular environmental interests (APEIs), as well as further actions to advance the implementation of the plan. On the basis of this review, the Commission has formulated recommendations to the Council on the establishment of four additional APEIs to enhance the effectiveness of the APEI network.¹⁶

12. Progress has also been made on the development of REMPs in other priority regions, as identified by the Council. The secretariat convened two virtual workshops in late 2020 to support the development of REMPs for the Area of the northern Mid-Atlantic Ridge and Northwest Pacific. The discussion built on the outcomes of previous workshops, held in Qingdao (China) for the Northwest Pacific, and in Szczecin (Poland) and Evora (Portugal) for the northern Mid-Atlantic Ridge. Additional expert workshops are being planned to support the development of the REMP for the Indian Ocean triple junction ridge and nodule-bearing province. It is expected that the outcomes of these expert workshops will provide a robust scientific and technical basis to support the work of the Commission in preparing their recommendations on the development of REMPs for further consideration by the Council.

Action plan of the Authority in support of the United Nations Decade of Ocean Science for Sustainable Development

13. A core responsibility of the Authority is to promote and encourage the conduct of marine scientific research in the Area. It is also required to coordinate and disseminate the results of scientific research and analysis, when available, and to encourage appropriate programmes to be designed and implemented for the benefit of developing States and technologically less developed States.

14. In light of this and building on the existing frameworks and strategic directions endorsed by the Assembly through its Strategic Plan and the High-Level Action Plan for 2019-2023, the Authority

¹⁵ See <https://www.isa.org.im/submissions-received-respect-stakeholder-consultations-standards-and-guidelines>

¹⁶ See ISBA/26/LTC/7.

has developed an action plan to formalize and organize its contribution to the UN Decade of Ocean Science for Sustainable Development.¹⁷ In this connection, a high-level webinar was organized in November 2020 to present the key components of the draft Action Plan, including the six strategic research priorities around which the Authority will mobilize its actions in a complementary and synergistic manner.¹⁸

15. Since the adoption of the action plan by the Assembly in December 2020, important progress has been made to proceed with its implementation. Emphasis has been placed on promoting dissemination, exchange and sharing of scientific data and deep-sea research outputs and increasing deep-sea literacy. As a result, in May 2021, the Authority has officially joined the International Oceanographic Data and Information Exchange (IODE) network to serve as a node for the Ocean Biodiversity Information System (OBIS) of IOC-UNESCO. In so doing, the Authority became the first intergovernmental organization to serve as a node of OBIS, which clearly reflects the importance of the central role of the Authority in advancing our collective understanding of deep-sea ecosystems and biodiversity.

16. This synergy created between these two leading global databases is a very good example of the importance of establishing strategic partnerships to leverage complementary capacities, and networks to deliver transformative knowledge on the biodiversity of the seabed and to create a legacy of new data, tools and training that will facilitate the effective protection of the marine environment.

17. Another remarkable example of the importance given to foster and nurture strategic partnerships in support of the effective implementation of the Convention can be found in the sharing of bathymetric data collected by contractors in the context of their exploration contracts with the Authority with the International Hydrographic Organization. By facilitating this transfer of data and information, the Authority is directly contributing to the global initiative called Seabed 2030 aimed at expanding and enhancing mapping of the seafloor.

18. More fundamentally, significant development has also been made through the establishment of collaborative initiatives with States Parties, contractors, and other stakeholders to advance research related to the environmental effects of activities in the Area. Of particular interest is the recent progress made on standardizing and innovating methodologies for deep-sea biodiversity assessment, including taxonomic identification and description.

Developing a programmatic approach to capacity development to meet the needs of developing States, members of the Authority

19. Since the adoption in December 2020 by the Assembly of its decision to implement a programmatic approach to capacity development,¹⁹ progress has been made for the development of a dedicated strategy which should be released by the end of the year. In the meantime, and pursuant to the decision of the Assembly, a group of National Focal Points for Capacity Development has been established. A key role for these national focal points is to facilitate dissemination at the national level of information on capacity development programmes and initiatives implemented by the

¹⁷ See ISBA/26/A/17.

¹⁸ <https://www.isa.org.im/index.php/event/high-level-webinar-present-isas-draft-action-plan-support-un-decade-ocean-science-sustainable> .

¹⁹ See ISBA/26/A/18.

Authority as well as support the work of the Secretariat in establishing a network of institutions that could contribute to the implementation of the dedicated strategy, when ready. As of 15 June 2021, 39 countries have nominated a focal point.²⁰

20. In January 2021, upon request from Indonesia, the secretariat of the Authority organized, remotely, in close cooperation of the Ministry of Foreign Affairs of Indonesia a national workshop to build the capacity of government representatives, academics, scientists on the implementation of Part XI of the Convention, the 1994 Agreement and the rules, regulations and procedure of the Authority. More than 120 participants attended the event.

21. Another important flagship initiative for which progress can be reported is the launch of the “Women in Deep-Sea Research” project.²¹ Building on the Voluntary Commitment registered by the Authority at the 2017 UN Ocean Conference, this project aims at addressing the critical barriers preventing women empowerment and leadership in deep-sea research related disciplines and activities with a particular focus on women scientists from the Least Developed Countries, Landlocked Developing States and Small Island Developing States. To meet this objectives, the Authority is partnering with the Office of the High Representative for Least Developed Countries, Landlocked Developing States and Small Islands Developing States as well as a range of member States,²² international and regional organizations,²³ research and regulatory agencies,²⁴ contractors,²⁵ and non-governmental organizations.²⁶ The first activity to be undertaken under this project will be a gender-mapping analysis and identification of critical barriers to the participation of women from LDCs, LLDCs and SIDS in deep-sea related research disciplines and activities and access to leadership positions.

22. In March 2021, the Secretariat of the Authority also launched the “Deep DiplomaSea” webinar series aimed at informing members of the permanent missions to the Authority and to the United Nations on the mandate, responsibilities and work of the Authority.

23. As part of the mechanisms developed to progress with the implementation of its programmatic approach for capacity development is the formal launch, in November 2020, of ISA-China Joint Training and Research Centre (JTRC) based in Qingdao (China). The JTRC was established under the memorandum of understanding approved by the Assembly of the Authority during its 25th session. The main objective is, through this new platform, to offer training to aspiring professionals from developing countries in deep-sea related science and advance the transfer of marine technology and scientific knowledge to developing countries in line with the ISA Strategic Plan and High-Level Action Plan for 2019-2023.

²⁰ Algeria, Argentina, Australia, Botswana, Cambodia, Chile, China, Cook Islands, Egypt, Eswatini, Fiji, France, Honduras, Indonesia, Jamaica, Japan, Kiribati, Kenya, Lao People’s Democratic Republic, Lithuania, Mexico, Mozambique, Myanmar, Nauru, Nepal, New Zealand, Norway, Oman, Panama, Poland, Philippines, Korea, Russia, Saudi Arabia, Somalia, Timor Leste, Togo, United Kingdom, Viet Nam.

²¹ See <https://www.isa.org.im/vc/enhancing-role-women-msr/WIDSR-project>

²² Argentina, Kiribati, Malta, Nauru.

²³ UN Department of Economic and Social Affairs, the Indian Ocean Rim Association, the Pacific Community.

²⁴ The National Marine Biodiversity Institute of Korea, the National Oceanography Center of Southampton, the National Institute of Oceanography and Fisheries of Egypt, the Cook Island Seabed Minerals Authority.

²⁵ Marawa Research and Exploration Ltd, Nauru Ocean Resources Inc. and Tonga offshore Mining Limited.

²⁶ The Intergovernmental Forum on Mining.

The 1994 Agreement

24. In accordance with article 156, paragraph 2, of the Convention all States Parties are, *ipso facto*, members of the Authority. As of 15 June 2021, there are 168 members of the Authority. On the same date, there are 150 parties to the 1994 Agreement. On 29 March 2021, the Secretary-General sent out a letter to the remaining 18 members of the Authority that became parties to the Convention before the adoption of the 1994 Agreement but have yet to become parties to the 1994 Agreement. It is noted that Bosnia and Herzegovina deposited the instrument of accession to the 1994 Agreement on 26 May 2021 and the 1994 Agreement shall enter into force for Bosnia and Herzegovina on 25 June 2021. Therefore, there are 17 members need to take necessary steps to become parties to the 1994 Agreement. These are: Bahrain, Comoros, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Gambia, Guinea-Bissau, Iraq, Mali, Marshall Islands, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Somalia and Sudan.

The Protocol on the Privileges and Immunities of the International Seabed Authority

25. The Protocol on the Privileges and Immunities of the Authority was adopted by the Assembly on 27 March 1998 and entered into force on 31 March 2003. The total number of parties to the Protocol remains at 47. Members of the Authority that are not yet parties are strongly encouraged to take the necessary steps to become parties to the Protocol at their earliest convenience. The secretariat circulated a note verbale to that effect on 26 March 2021.

Implementation of article 84, paragraph 2 of the Convention

26. 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 15 June 2021, the following 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, Kerguelen Islands, Martinique, New Caledonia, Saint-Paul et Amsterdam and La Réunion), Ireland, Mauritius, Mexico, Niue, Pakistan, the Philippines and Tuvalu. The Secretary-General 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. The secretariat circulated a note verbale on 29 March 2021 requesting the deposit of such charts or lists of coordinates.

Budget and status of contributions

27. During its twenty-six session, the Assembly adopted the budget for the financial period 2021–2022 in the amount of \$19,411,28027. As at 15 June 2021, 75 per cent of the value of contributions to the 2021 budget due from member States and the European Union had been received. As at the same date, contributions outstanding from member States for prior periods (1998–2020) amounted to \$992,251.

28. As at 15 June 2021, the following 56 members of the Authority had been in arrears for two years or more: Angola, Argentina, Barbados, Belize, Benin, Bolivia, Burkina Faso, Cabo Verde, Cameroon, Chad, Comoros, Congo, Democratic Republic of the Congo, Djibouti, Dominica, Equatorial

²⁷ see [ISBA/24/A/11](#) and [ISBA/24/A/6–ISBA/24/C/19](#).

Guinea, Gabon, Gambia, Guinea, Guinea-Bissau, Honduras, Jordan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mongolia, Montenegro, Namibia, Niger, Oman, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Somalia, State of Palestine, Sudan, Suriname, The former Yugoslav Republic of Macedonia, Tunisia, Uganda, United Republic of Tanzania, Vanuatu, Yemen, Zambia, and Zimbabwe.

Status of the voluntary trust funds

29. As of 15 June 2021 (same deadline for other funds mentioned below), the capital of the Endowment Fund for Marine Scientific Research in the Area stood at \$3,543,567. The available fund stands at \$362,957.

30. As for the voluntary trust fund for the purpose of defraying the cost of participation of members of the Commission from developing countries and members of the Finance Committee from developing countries in the meetings of the Commission and of the Committee, the cumulative total of contributions to the fund amounted to \$1,221,882, including latest contribution that have been made by China (\$20,000), France (\$20,000), the Philippines (\$7,500) and DeepGreen Meals Inc. (\$15,000). Four contractors made optional voluntary contributions of \$6,000 each in 2021. The fund's total expenditure amounted to \$1,129,378, leaving an available balance of \$92,504.

31. As 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, the fund had received no new contributions. The total available fund stands at \$20,579.

32. As for 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, as at 15 June 2021, five contributions had been made to the voluntary trust fund, totalling \$39,316. This includes the recent contributions from the Philippines in the amount of \$7,500 and from DeepGreen Metals Inc. in the amounts of \$4,500. As of 15 June 2021, \$28,248 had been spent and the balance stood at \$11,068.

Relationship with the United Nations and other relevant international organizations and bodies

United Nations

33. The secretariat of the Authority and the Department of Economic and Social Affairs of the United Nations Secretariat have continued to cooperate actively in the implementation of the "Abyssal Initiative for Blue Growth" project aimed at strengthening the capacity of Pacific sponsoring States (Cook Islands, Kiribati, Nauru and Tonga) to develop and implement appropriate enabling legal, institutional and policy framework for the sound and sustainable management of marine mineral resources in the Area. Since then, the project received the support of the Government of Norway through the participation of the Norwegian Agency for Development Cooperation (NORAD). The project was designed on the identification by P-SIDS sponsoring States of their specific capacity development needs. Accordingly, several regional workshops have been organized including in Tonga (Regional consultation workshop - 2019), Nauru (role and responsibilities of sponsoring States - 2019) and Kiribati (marine scientific research and access of the results of such research - 2019). Two more workshops are scheduled to be held remotely in 2021. One in partnership with the Cook Islands

(Environmental management and monitoring of deep-sea activities) and the other with Tonga (benefit sharing).

34. The secretariat of the Authority has continued to collaborate with the Office of the High Representative for Least Developed Countries, Landlocked Developing Countries and Small Islands Developing States (UN-OHRLS) in support of the preparation of the Fifth conference for the Least Developed Countries in Qatar (2021), the adoption of the UN Roadmap for Accelerated Implementation of the Vienna Programme of Action for Landlocked Developing Countries in September 2020, and the SIDS Accelerated Modalities of Action (SAMOA) Pathway and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States. As indicated above, this partnership also led to the development of the “Women in Deep-Sea Research” project specifically aimed at advancing women empowerment and leadership of women scientists from LDCs, LLDCs and SIDS.²⁸

Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (IOC-UNESCO)

35. The Authority and IOC-UNESCO have continued close collaboration to advance implementation of the existing memorandum of understanding between the two organizations. Since the preliminary steps taken by IOC in 2017 to secure strategic partnerships to co-design the United Nations Decade of Ocean Science for Sustainable Development, the secretariat of the Authority has been contributing actively to all stages of development of the preparation phase as well as the implementation of the United Nations Decade. Ongoing dialogue and discussions have taken place between the two secretariats on that matter, including the contributions to the work of the Decade Informal Working Group for Monitoring and Evaluation, and the Decade Advisory Board.

36. The secretariat of the Authority has initiated the implementation of the Authority action plan in support of the UN Decade, adopted by the Assembly in December 2020.

37. In May 2021, the Authority has officially joined the International Oceanographic Data and Information Exchange (IODE) network to serve as a node for the Ocean Biodiversity Information System (OBIS) of IOC-UNESCO for sharing data on deep sea biodiversity and biogeography in the Area.

African Union

38. The secretariat of the Authority and the African Union have continued to cooperate in the implementation of the “Africa’s Deep-Seabed Resources” (ADSR) project with a view to raising awareness among African decision-makers about the importance of sustainable development of activities on Africa’s continental shelf and in the Area. Most particularly, in June 2021, the Authority organized in partnership with the African Union and Norway (NORAD), the third regional workshop under the ADSR project. Hosted by Mauritius, this workshop was specially intended for the Indian ocean region and brought together international experts, official representatives and representatives of the private sector as well as non-government organisations from Comoros, Kenya, Mauritius, Rwanda, Tanzania, Seychelles and Somalia. More than 170 participants attended.

²⁸ See <https://www.isa.org.im/vc/enhancing-role-women-msr/WIDSR-project>

Indian Ocean Rim Association

39. The secretariat of the Authority and the Indian Ocean Rim Association have completed the development of a draft memorandum of understanding to foster their cooperation and the text has been placed on the agenda of the Council of the Authority for its consideration and approval at its next face-to-face meeting in 2021.

End