



**Thirtieth Meeting of States Parties to the United Nations  
Convention on the Law of the Sea**

*Agenda item 9: 'Information reported by the Secretary-General of the International Seabed Authority.'*

Kingston, Jamaica

**12 November 2020**

Statement by Mr. Michael W. Lodge,

Secretary-General of the International Seabed Authority

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I wish to congratulate Ambassador Gafoor on his election as President of the thirtieth Meeting of State Parties to the Convention and for his leadership in steering the work of the Meeting in a very sensitive and pragmatic manner, thus enabling State Parties to progress the decision-making process.

As always, it is a pleasure to have an opportunity to provide information about the ongoing work of the Authority to the States Parties. This year, of course, the circumstances are very different owing to the ongoing restrictions on movement which have posed and continue to pose significant challenges for all of us. Certainly, the activities of the Authority, like those of any other intergovernmental forum have been impacted, particularly in terms of our ability to hold in-person meetings according to the originally agreed schedule.

Nevertheless, the past few months have also demonstrated the resilience and in some cases, the flexibility, of the three institutions established by the Convention. I wish to thank the States Parties for their ongoing support to the work of the Authority. I would also like to pay tribute to the dedication and commitment of all the staff of the secretariat, who have risen to the challenge of keeping the work of the Authority moving forward with their usual spirit of passion and creativity.

It is thanks to the general support and commitment towards its role and function that the Authority has relentlessly continued its work despite the challenges imposed by the situation.

**1. Continuity in the work of the Authority**

During the first part of the twenty-sixth session, held in Kingston in late February and early March, the Council and the Legal and Technical Commission were able to complete their scheduled meetings.

The face-to-face meetings scheduled for July were initially postponed to October, to take place in a reduced format. Ultimately, this proved to be impossible and both the Council and the Assembly were obliged to take other measures, which are described below.

The Legal and Technical Commission met remotely during the month of July and managed to complete its agenda, including reviewing all the annual reports of contractors and making a recommendation to the Council on a new application for approval of a plan of work for exploration by Blue Minerals Jamaica Ltd.,

a company sponsored by Jamaica. Importantly, the Commission updated its guidance for contractors for the assessment of the possible environmental impacts arising from exploration, including with a view to providing a revised list of activities subject to EIAs and introducing a process for reviewing environmental impact statements in relation to the testing of mining components and other activities requiring EIA during exploration. The Commission also made progress in its work on draft standards and guidelines for deep-sea mining operations. Several draft standards and guidelines were subsequently released for stakeholder consultation and I was very much encouraged by the high level of responses to that consultation.

The Commission continues to work on additional draft standards and guidelines, and these will be issued for consultation when ready. These include standards and guidelines for environmental impact assessments and the preparation of an environmental impact statement; for the preparation of environmental management and monitoring plans; for the safe management of mining operations; on the expected scope and standard of baseline data collection; and for the preparation and implementation of emergency response and contingency plans.

The Finance Committee also met remotely on several occasions between May and October and successfully completed its agenda. The documents of the Committee, as well as its report and recommendations to the Council and Assembly are available on the website of the Authority.

I wish to express my gratitude to all the members of the Commission and the Committee for their personal commitment and dedication during this difficult time. All of them gave substantially of their time and expertise, often in very difficult circumstances.

Once it became apparent that we would be unable to meet in October, the Assembly and Council took the necessary measures to resume their work and open the second part of the twenty-sixth session. For this, we drew heavily on the process adopted by the Meeting of States Parties and I wish to acknowledge the valuable cooperation, support and advice we received from Ambassador Gafoor as well as the secretariat of the Meeting of States Parties.

Ambassador Denys Wibaux (France) was duly elected President of the Assembly for the twenty-sixth session and Rear-Admiral (retd.) Md. Khurshed Alam (Bangladesh) was elected as President of the Council.

Subsequently, both the Assembly and the Council adopted a programme of work for the remainder of 2020 and identified the time-sensitive agenda items that need to be disposed of before the end of the year.

All other agenda items have been postponed to 2021. In the case of the Council, this includes continued work on the draft exploitation regulations and the issue of the next election of the Legal and Technical Commission. The relevant decisions are available on the website.

The table below shows the issues that will be considered by the Council and Assembly before the end of 2020:

Council	Assembly
List of candidates for election as Secretary-General	Election of the Secretary-General (from the candidate list proposed by the Council)
Budget and scale of assessments for the financial period 2021-2022 (on the recommendation of the Finance Committee)	Budget and scale of assessments for the financial period 2021-2022 (on the recommendation of the Finance Committee and the Council)
Application for approval of a plan of work for exploration by Blue Minerals Jamaica (on the	Proposal for naming of the museum of the Authority (proposal by Ghana on behalf of the African Group)

recommendation of the Legal and Technical Commission)	
	Election of four members of the Finance Committee
	Election of members of the Council for 2021-2024
	Draft decision on the Action Plan for Marine Scientific Research in support of the UN Decade for Ocean Science
	Draft decision on a programmatic approach to capacity development

Information on all these issues is available on the website and I urge all States Parties to monitor the website as well as regular announcements and circulars from the secretariat.

## 2. Annual report of the Secretary-General for 2020

At a programmatic level, significant progress has been made in the work of the Authority. This progress is reflected in the annual report submitted to the Assembly pursuant to Article 166, paragraph 4, of the Convention. This report, which has been made available to all members of the Authority,<sup>1</sup> is presented in a completely new format for the first time in 25 years. One part, published as an official document of the Assembly, reports on the status of the Convention and related legal instruments, the status of contributions to the budget of the Authority and the status of the Area.

The report also contains a review of the status of implementation of the strategic plan of the Authority for the five-year period 2019-2023. In addition, progress reports have been prepared for each organ of the Authority in relation to the key performance indicators and priority actions identified under the High-Level Action Plan for 2019-2023 adopted by the Assembly in 2019. Owing to the current situation, these will be considered in 2021.

A second part of the annual report has been published in a fully illustrated and separate report, entitled ‘Achieving the sustainable use of deep-sea minerals for the benefit of humankind’. This publication documents all the activities carried out by the Authority between July 2019 and May 2020. I believe that the new format provides a better overview of the depth and the breadth of the work undertaken by the Authority to meet the needs and expectations of its members.

## 3. The extent of the Area

The Area is defined in the Convention as the seabed and subsoil thereof, beyond the limits of national jurisdiction. Establishing the exact geographic limits of the Area thus depends on knowing the outer limits of the continental shelf. Pursuant to article 84, paragraph 2, of the Convention, coastal States are obliged to give due publicity to charts or lists of geographical coordinates of points and in the case of those indicating the outer limit lines of the continental shelf, both up to 200 M and beyond 200 M, shall also deposit a copy of such charts or lists with the Secretary-General of the Authority.

To date, ten States Parties have deposited such charts and lists. It is important that all coastal States which have not yet done so deposit such charts or lists of coordinates as soon as possible, in accordance with the relevant provisions of the Convention. Deposits under article 84, paragraph 2, of the Convention should be made simultaneously with the Secretary-General of the United Nations and the Secretary-General of the International Seabed Authority.

<sup>1</sup> See [ISBA/26/A/2](#) and <https://www.isa.org.jm/secretary-general-annual-report>

I would like to express my appreciation to the Division of Ocean Affairs and the Law of the Sea of the United Nations Secretariat for its insightful note for the consideration by State Parties on the practice of the Secretary-General of the United Nations in respect of the deposit of charts or lists of geographical coordinates of points under the Convention (SPLOS/30/12). I am especially grateful that the note documents the cooperative practice developed between the secretariats of the United Nations and the Authority of periodically sharing information concerning charts and lists of geographical coordinates of points defining the outer limits of the continental shelf.

#### **4. Financial situation of the Authority**

As of the end of October 2020, 85 per cent of assessed contributions to the budget for 2020 have been received from 65 member States. This leaves 15 per cent of the assessed contributions due (\$998,185) for 2020 outstanding and I urge those States which are in arrears to pay their contributions as soon as possible.

The amount of the arrears for the period 1998-2019 is \$895,660, with \$421,667 outstanding for more than two years. Thus, the total arrears faced by the Authority is \$1,893,845, which represents about 20 per cent of the current year's budget.

A total of 55 States have not yet paid their contributions for 2019. Of even greater concern is the fact that 49 States are in arrears of contributions for more than two years. Indeed, 9 members of the Authority have never paid any contributions whatsoever since joining the Convention. Whilst this is an improvement over the situation last year, when 56 States were in arrears for more than two years, it still means that 29 per cent of the membership is potentially disqualified from the exercise of voting rights. I urge these States to pay their outstanding contributions without delay.

#### **5. Action plan of the Authority in support of the United Nations Decade of Ocean Science for Sustainable Development**

The Authority is required under the Convention and the Agreement relating to the implementation of Part XI of the Convention, 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.

In light of this and building on the existing frameworks and strategic directions endorsed by the Assembly through the Strategic Plan and the High-Level Action Plan, the Authority has developed an action plan to formalize and organize its contribution to the UN Decade of Ocean Science for Sustainable Development.<sup>2</sup>

Given that the Decade will formally begin in 2021, the adoption of the action plan has been identified by the Assembly as one of the priority matters that require a decision before the end of the year.

In that respect, I am also pleased to inform that next week, on 17 November, a high-level webinar will be organized 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.

I also take this opportunity to express my sincere gratitude to the Government of Argentina, which is also chairing the IOC-UNESCO, for acting as the champion for the Authority's Action Plan. I look forward to working with Argentina and other willing partners, including IOC-UNESCO in the implementation of the Action Plan.

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<sup>2</sup> See [ISBA/26/A/4](#).

## **6. Towards a programmatic approach to capacity-development.**

Another item identified by the Assembly as requiring a decision before the end of 2020 in view of its strategic importance to the work of the Authority is related to the need to move towards the implementation of a programmatic approach to capacity development. More than ever, it is necessary that all capacity-building programmes and their delivery be meaningful, tangible, efficient, effective, and targeted at the needs of developing States, as identified by those States.

In this connection, the Assembly will consider the adoption of a draft decision requesting the secretariat to develop and implement a dedicated strategy for capacity development, taking into account the outcomes of the international workshop on ‘Capacity development, resources and needs assessment’ held in Kingston in February of this year.<sup>3</sup>

I count on the support of all States Parties to this important initiative.

## **7. Progress in the development of the Mining Code**

The primary means by which the Authority is required to organize, carry out and control activities in the Area on behalf of mankind as a whole is to adopt and apply uniformly rules, regulations, and procedures. Further, it is stipulated in the 1994 Agreement that such rules, regulations, and procedures relating to the conduct of activities in the Area are to be adopted as those activities progress. Consistent with this evolutionary approach to regulation, the priority task of the Authority as identified by the Council is to develop regulations for exploitation of marine minerals in the Area.

### *Status of negotiations on the draft exploitation regulations*

During the first part of the twenty-sixth session, the Council continued its consideration of the draft regulations on exploitation as recommended by the Legal and Technical Commission (ISBA/25/C/WP.1). The draft, which has been developed over several years, has already undergone several rounds of global stakeholder consultations. The Council also adopted a decision concerning working methods to advance discussions on the draft regulations (ISBA/26/C/11), including the establishment of three informal working groups to address some of the issues identified as requiring further in-depth discussions, namely: protection and preservation of the marine environment; inspection, compliance and enforcement; and institutional matters. As noted above, work by the Council on the draft regulations has been suspended until 2021.

### *Open-ended Working Group of the Council in respect of the development and negotiation of the financial terms of a contract*

The Open-ended Working Group of the Council in respect of the development and negotiation of the financial terms of a contract also met in February for a third round of discussion. The Working Group requested further refinements to be made to the financial model for polymetallic nodules developed by the Massachusetts Institute of Technology as well as a comparative analysis to be prepared of the financial aspects of seabed mining and land-based mining.

This work was completed, and a webinar was organized in October to introduce the main findings of the comparative study and the refinements to the MIT model. The webinar was very well attended and provided a very good opportunity for stakeholders to ask questions and seek clarifications from the consultants responsible for compiling the reports. The reports and presentations made during the webinar are available

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<sup>3</sup> See [ISBA/26/A/7](#).

on the website of the Authority, as well as a joint summary note highlighting the conclusions from the comparative analysis.<sup>4</sup>

## **8. Development of Regional Environmental Management Plans**

I am pleased to draw the attention of States Parties to important progress in the implementation of the strategy to develop additional regional environmental management plans (also known as REMPs). The process of development of REMPs, which the Council had decided to undertake under the auspices of the Authority, serves as a tangible expression of the Authority's commitment to the protection of marine environment, including marine biodiversity and deep sea ecosystems. It is also another example of the application of the precautionary approach by the Authority in fulfilling its mandate under the Convention.

The secretariat, in collaboration with the co-organizers of the proposed workshops, has launched an ambitious programme of online expert workshops to be completed by the end of the year. In this connection, an online workshop on the development of a regional environmental management plan in the North-west Pacific, originally scheduled to take place in Jeju, Republic of Korea, took place recently from 26 October to 6 November 2020. Likewise, the online workshop on the development of a regional environmental management plan for the Area of the Northern Mid-Atlantic Ridge with a focus on polymetallic sulphides deposits, originally scheduled to take place in Saint Petersburg, Russian Federation, will take place from 23 November to 4 December 2020. Both workshops are building on the outcomes produced by previous workshops held in Qingdao, China in 2018 and Evora, Portugal, in 2019.

The Government of India has communicated its plan to host a workshop on the development of a regional environmental management plan for the Indian Ocean triple junction ridge and nodule bearing province in 2021.

The outcomes of these expert workshops will not only contribute to create a significant body of new scientific work that will help to protect the marine environment, but they will also provide a robust scientific and technical basis for the work of the Legal and Technical Commission in preparing their recommendations on the development of REMPs for the consideration by the Council.

## **9. Concluding remarks**

To conclude, and taking into account that we recently celebrated the achievements of the UN after 75 years of existence, allow me to join the call of the Secretary-General of the United Nations for a strengthened and renewed multilateralism, geared towards the overarching goals of peace and security, human rights, and sustainable development.

In so doing, we should recall that one of the greatest and most enduring successes of the UN designed to benefit humankind is to be found in the development of a global legal regime for the ocean through the adoption in 1982 of the Convention. As the 'constitution for the oceans', this fundamental treaty is indeed a striking illustration of the collective contribution of the international community to this vision of a more fair and equal society.

The Convention has established certainty in the law of the sea and brought peace and order to the oceans. It also provided for an equitable relationship among States in their use of the ocean and has been a major contribution to international peace and security. The fact that the mineral resources of the deep seabed are designated as the 'common heritage of mankind' and that the Authority has been established to regulate

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<sup>4</sup> [https://isa.org.jm/files/files/documents/4thMeet-DocList\\_2.pdf](https://isa.org.jm/files/files/documents/4thMeet-DocList_2.pdf) and see <https://www.isa.org.jm/node/19854>

and manage access to these resources is a remarkable example of this vision for an ideal of equity and economic and social solidarity.

As we reaffirm our commitment to ensure that the provisions of the Convention are implemented on the basis of equity and for the benefit of all humanity, I wish to express my sincere appreciation to the Under-Secretary-General for Legal Affairs and the Division for the Law of the Sea for their cooperation and for the support extended to the Authority. I also wish to place on record the excellent relationship we enjoy with the International Tribunal for the Law of the Sea.

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