



Assembly

Distr.: General
24 May 2022

Original: English

Twenty-seventh session

Kingston, 1–5 August 2022

Item 9 of the provisional agenda*

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

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

I. Introduction

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

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

II. Membership of the Authority

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

4. As at the same date, there were 151 parties to the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (150 States and the European Union). There are therefore

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

¹ See [ISBA/26/A/2](#).

² See [ISBA/26/A/2/Add.1](#).



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

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

III. The Area

6. The Area is defined in the Convention as the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction. Establishing the exact geographical limits of the Area thus depends on the delineation of the limits of national jurisdiction, including the delineation of the continental shelf extending beyond 200 nautical miles from the baseline of the territorial sea. Pursuant to article 84, paragraph 2, of the Convention, coastal States are obliged to give due publicity to charts or lists of geographical coordinates and, in the case of those showing the outer limit lines of the continental shelf, to deposit a copy of each such chart or list with the Secretary-General of the Authority. Ten members of the Authority have deposited such charts and lists with the Secretary-General, namely, Australia, Côte d'Ivoire, France (with respect to Guadeloupe, Guyana, the Kerguelen islands, Martinique, New Caledonia, Reunion and the Saint-Paul and Amsterdam islands), Ireland, Mauritius, Mexico, Niue, Pakistan, the Philippines and Tuvalu.

7. An obvious difficulty for the Authority and its members is that, until the precise delineation of all areas of continental shelf up to and beyond 200 nautical miles is known, the geographical limits of the Area cannot be established with any certainty. The Secretary-General therefore urges all coastal States to deposit such charts or lists of coordinates as soon as possible after the establishment of the outer limit lines of their continental shelf, up to and beyond 200 nautical miles, in accordance with the relevant provisions of the Convention. Each year, the secretariat sends out a note verbale requesting the deposit of such charts or lists of coordinates. The last such note was sent out on 31 January 2022.

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

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

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

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

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

V. Budget and status of contributions

A. Budget

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

B. Status of contributions

12. In accordance with the Convention and the 1994 Agreement, the administrative expenses of the Authority are to be met by assessed contributions of its members until the Authority has sufficient funds from other sources to meet those expenses. The scale of assessments is based upon the scale used for the regular budget of the United Nations, adjusted for differences in membership. As at 30 April 2022, 59 per cent of the value of contributions to the 2022 budget due from member States and the European Union had been received.

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

³ See [ISBA/26/A/19](#).

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

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

C. Status of the voluntary trust funds

16. As at January 2022, the capital of the Endowment Fund for Marine Scientific Research in the Area stood at \$3,563,567. In its decision relating to the implementation of a programmatic approach to capacity development,⁴ the Assembly requested the Secretary-General to develop and implement a dedicated strategy for capacity development, including to review the terms of reference of the Fund, in particular to allow the use of the capital of the Fund to support training and technical assistance activities. The Secretary-General presented proposals for a revised model of operation of the Fund to the Finance Committee in 2022.⁵

17. Regarding the voluntary trust fund to defray the costs of participation of members from developing countries in the meetings of the Legal and Technical Commission and of the Finance Committee, as at 30 April 2022, the balance stood at \$180,334, including a recent contribution from the United Kingdom (\$10,000) and voluntary contributions of \$6,000 each from five contractors in 2021.⁶

18. With regard to the voluntary trust fund to support the participation of members of the Council of the Authority from developing States in the meetings of the Council, as at 30 April 2022, the balance was \$24,073, including a recent contribution by the United Kingdom (\$10,000).

19. With regard to the voluntary trust fund for the purpose of providing the requisite funds related to the work of the Special Representative of the Secretary-General for the Enterprise, recent contributions have been received from the United Kingdom (\$10,000) and Malta (\$11,339). The available balance of the fund stands at \$17,082.

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

VI. Secretariat

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

⁴ [ISBA/26/A/18](#).

⁵ See [ISBA/27/FC/3](#).

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

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

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

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

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

VII. Previous sessions of the Authority

A. Twenty-sixth session of the Authority

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

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

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

⁹ [ISBA/16/C/4](#), annex I.

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

26. At its meetings held from 13 to 15 December 2021, the Assembly took note of the decisions adopted under silence procedure.¹⁰ The Assembly held a general debate on the annual report of the Secretary-General.¹¹ It also considered the reports on the implementation of the strategic plan and the high-level action plan of the Authority for the period 2019–2023, and the report of the Secretary-General on the implementation of the action plan of the Authority in support of the United Nations Decade of Ocean Science for Sustainable Development.¹² After considering the report of the Secretary-General on the action plan, the Assembly decided to: (a) take note of the information provided in the report; (b) request the Secretary-General to continue his efforts to mobilize resources to provide financial support for the implementation of the strategic research priorities under the Action Plan for Marine Scientific Research; and (c) encourage all members of the Authority, other States, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private persons to contribute to the implementation of the Action Plan for Marine Scientific Research.

27. The Assembly considered a supplementary report of the Finance Committee¹³ and adopted a decision on financial and budgetary matters.¹⁴ The Assembly took note of a report of the Finance Committee on the development of rules, regulations and procedures on the equitable sharing of financial and other economic benefits derived from activities in the Area.¹⁵

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

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

B. Resumed meetings of the Council

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

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

¹⁰ See [ISBA/26/A/29](#).

¹¹ [ISBA/26/A/2](#) and [ISBA/26/A/2/Add.1](#).

¹² [ISBA/26/A/25](#).

¹³ [ISBA/26/A/10/Add.1-ISBA/26/C/21/Add.1](#).

¹⁴ [ISBA/26/A/33](#).

¹⁵ [ISBA/26/A/24-ISBA/26/C/39](#).

¹⁶ See [ISBA/26/C/48](#).

¹⁷ See [ISBA/26/C/13/Add.1](#), annex.

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

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

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

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

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

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

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

38. As a matter of priority, the Council continued to consider the draft Regulations on the exploitation of mineral resources in the Area.²² The three informal working groups established by the Council in February 2021 held their first in-person meetings and discussed the following: (a) the protection and preservation of the marine environment (facilitator: Raijeli Taga (Fiji)); (b) inspection, compliance and enforcement (facilitator: Maureen P. Tamuno (Nigeria)); and (c) institutional matters, (cofacilitators: Georgina Guillén Grillo (Costa Rica) and Constanza Figueroa Sepúlveda (Chile)). The facilitators received textual proposals on relevant draft regulations and draft standards and guidelines in April 2022. The facilitators will submit their respective texts to the Council for its consideration during the second part of the meetings, in July 2022.

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

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

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

¹⁹ [ISBA/26/C/58](#).

²⁰ See [ISBA/26/C/57](#).

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

²² [ISBA/27/C/15](#)

²³ See [ISBA/27/C/21](#), annex.

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

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

VIII. Status of contracts for exploration

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

44. As at 31 May 2022, 31 contracts for exploration had entered into force, of which 19 were for polymetallic nodules, 7 were for polymetallic sulphides and 5 were for cobalt-rich ferromanganese crusts.

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

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

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

47. On 29 April 2022, the Secretary-General made a statement to the informal meeting of the General Assembly to commemorate the fortieth anniversary of the adoption of the Convention. Statements were also made by the President of the International Tribunal for the Law of the Sea, the Under-Secretary-General for Legal Affairs of the United Nations and United Nations Legal Counsel, the President of the International Court of Justice and the Chair of the Commission on the Limits of the Continental Shelf.

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

²⁴ [ISBA/27/C/16](#).

²⁵ [ISBA/27/C/14](#).

X. Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction

49. On 15 March 2022, the Secretary-General delivered a statement at the fourth meeting of the Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

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

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

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

²⁶ ISBA/24/A/10, annex.

²⁷ See ISBA/25/A/15 and ISBA/25/A/15/Corr.1.

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

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

²⁸ ISBA/26/A/2.