



## Council

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### Twenty-seventh session

Council session, part II

Kingston, 18–29 July 2022

Agenda item 18

### Report on matters relating to the Enterprise

## Report of the Special Representative of the Secretary-General of the International Seabed Authority for the Enterprise

### I. Introduction

1. The present report is submitted in keeping with the mandate of the Special Representative of the Secretary-General of the International Seabed Authority for the Enterprise and provides details on the activities of the Special Representative during the reporting period. It also refers to the previous report of the Special Representative, presented to the Council during the first part of its twenty-seventh session, which provides a brief description of managerial policy and administrative options for the administration of the Enterprise, as well as of administrative functions of the interim director general during the period July 2022–December 2023.<sup>1</sup>

2. The report is in response to the decision of the Council of 10 December 2021 relating to the reports of the Chair of the Legal and Technical Commission, in which it is indicated that the mandate of the Special Representative should be extended until the end of the twenty-seventh session.<sup>2</sup>

3. The Special Representative recognizes that further consultations on this matter will be held by the Council during the second part of its twenty-seventh session.

### II. Activities undertaken by the Special Representative

#### A. Participation in meetings of the Council during the first part of the twenty-seventh session

4. The Special Representative participated in the general deliberations of the meetings of the Council, as well as its continued consideration of the draft regulations on the exploitation of mineral resources in the Area ([ISBA/25/C/WP.1](#)), and made

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<sup>1</sup> [ISBA/27/C/14](#) and [ISBA/27/C/14/Corr.1](#).

<sup>2</sup> See [ISBA/26/C/57](#), para. 19.



proposals on amendments to the text of the draft regulations. The Special Representative contributed to the discussions on the report of the Chair of the Legal and Technical Commission on the work of the Commission during the first part of its twenty-seventh session.<sup>3</sup>

## **B. Meetings of working groups and informal working groups established by the Council**

5. The Special Representative participated in the work of the following working groups:

(a) Open-ended working group in respect of the development and negotiation of the financial terms of a contract under article 13, paragraph 1, of annex III to the United Nations Convention on the Law of the Sea and section 8 of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea;

(b) Informal working group on the protection and preservation of the marine environment;

(c) Informal working group on inspection, compliance and enforcement;

(d) Informal working group on institutional matters.

## **C. Other activities**

6. In order to provide additional clarification on the issues raised by a few delegations on matters addressed in his report to the Council during the first part of its twenty-seventh session, the Special Representative met with heads of regional groups, as well as individual delegations, on the margins of the first part of the twenty-seventh session and during the intersessional period.

7. The Special Representative also met with officials representing contractors and other entities, at their request, concerning matters contained in his report to the Council related to the appointment of an interim director general and the step-by-step approach on the operationalization of the Enterprise, inter alia, in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea and the 1994 Agreement.

8. At the invitation of Nauru Ocean Resources Inc., the Special Representative took part in a webinar on the development of its offshore engineering programme on 21 June 2022.

9. The Special Representative also accepted an invitation to speak at a virtual seminar organized by Volterra Fietta, a law firm based in the United Kingdom of Great Britain and Northern Ireland, on the topic of fair and equitable deep seabed mining and sharing deep seabed mining's financial and other benefits on 16 June 2022.

10. In addition, the Special Representative is involved in a capacity-building programme being developed by the secretariat of the Authority in keeping with its strategic plan and high-level action plan for the period 2019–2023. The e-learning platform is entitled “Deep dive”. The Special Representative contributed a lesson on the Enterprise to module 1 on the Convention and the governance of the Area.

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<sup>3</sup> ISBA/27/C/16.

### III. Future action required

11. Accordingly, the Special Representative wishes to reiterate comments made in his report to the Council at the first part of its twenty-seventh session, as well as in other reports, on the need for appropriate and timely action to ensure that the step-by-step approach provided for in the 1994 Agreement on the operationalization of the Enterprise is realized through the appointment of an interim director general.

12. The required action by the Council would allow the Enterprise to:

(a) Perform the functions of the Enterprise as listed under section 2 of the annex to the 1994 Agreement;

(b) Continue to provide much-needed input on the development of the regulations on exploitation on an ongoing and not exceptional basis, as is currently the case;

(c) Represent the interests of the Enterprise in annual sessions of the Authority, as well as in other undertakings related to the implementation of part XI of the Convention and the 1994 Agreement.

13. The Council is invited to take note of the present report.

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