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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 1982 United Nations Convention on the Law of the Sea (“the Convention”). The report provides information on the work of the Authority for the period July 2022 to June 2023.

2. The Assembly will recall that since 2020, the annual report of the Secretary-General has been presented in two formats. The present report 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, a summary of the main outcomes of the previous session of the Authority and other noteworthy information. The other format is in the form of a fully illustrated report, titled “Just and Equitable Management of the Common Heritage of Humankind”, both reports should be read jointly.

II. Membership of the Authority

3. All States parties to the Convention are, ipso facto, members of the Authority¹. As of 31 May 2023, there were 169 parties to the Convention (168 States and the European Union), thus 169 members of the Authority. Rwanda became a party to the Convention on 18 May 2023. On the same date, Rwanda also became a party to the 1994 Agreement, which means that there are now 152 parties to the 1994 Agreement.

4. There are 17 members of the Authority that became parties to the Convention before the adoption of the 1994 Agreement and that have yet to become parties to the Agreement. These are: Bahrain, Comoros, Democratic Republic of the Congo,

*ISBA/28/A/L.1

¹ In accordance with article 156, paragraph 2, of the Convention

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.

5. As provided by General Assembly resolution [48/263](#) and the 1994 Agreement, the provisions of the 1994 Agreement and Part XI of the Convention are to be interpreted and applied together as a single instrument. In the event of any inconsistency between the 1994 Agreement and Part XI of the Convention, the provisions of the 1994 Agreement shall prevail. Although members of the Authority that are not parties to the 1994 Agreement participate in the work of the Authority under arrangements based on that Agreement, becoming a party to the 1994 Agreement would remove any incongruity that currently exists for those States. The Secretary-General encourages those States to become parties to the Agreement at the earliest possible opportunity. The secretariat sent a note verbale individually to those States on 3 February 2023.

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. As of 31 May 2023, 12 members of the Authority have deposited such charts and lists with the Secretary-General, namely, Australia, Cook Islands, Côte d'Ivoire, France (with respect to Guadeloupe, Guyana, the Kerguelen islands, Martinique, New Caledonia, Saint-Paul et Amsterdam and La Réunion), Ireland, Mauritius, Mexico, New Zealand, Niue, Pakistan, the Philippines and Tuvalu.

7. 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. Knowledge of the precise delineation of all areas of continental shelf up to and beyond 200 nautical miles will allow the geographical limits of the Area be established with certainty. Every year, the secretariat distributes a note verbale requesting the deposit of such charts or lists of coordinates. For this year, the note was sent out on 27 January 2023.

IV. Permanent missions to the Authority

8. As at 31 May 2023, the following 33 States, in addition to the European Union, maintained permanent missions to the Authority: Algeria, Antigua and Barbuda, Argentina, Bangladesh, Belgium, Brazil, Cameroon, Chile, China, Costa Rica, Cuba, Cyprus, Dominican Republic, France, Gabon, Germany, Indonesia, Italy, Jamaica, Japan, Malta, Mauritius, Mexico, Namibia, Nauru, Nigeria, Panama, Philippines, Republic of Korea, Russian Federation, South Africa, Spain and Trinidad and Tobago as well as the European Union.

9. During the reporting period, 6 new permanent representatives presented their credentials to the Secretary-General, namely Bangladesh, Chile, China, Germany, Japan, and the Republic of Korea. On 20 February 2023, the first permanent representative of Zimbabwe to the Authority presented credentials to the Secretary-General.

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

10. 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 March 2003. Greece acceded to the Protocol on 12 December 2022. This brings the total number of parties to 48: Albania, Antigua and Barbuda, Argentina, Austria, Brazil, Bulgaria, Burkina Faso, Cameroon, Chile, Croatia, Cuba, Czechia, Denmark, Egypt, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, 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 10 States have signed the Protocol but have yet to ratify it: Bahamas, Côte d'Ivoire, Indonesia, Kenya, Malta, Namibia, North Macedonia, Pakistan, Saudi Arabia, and Sudan.

11. 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 30 January 2023.

VI. Administrative matters

A. Secretariat

12. The secretariat is one of the principal organs of the Authority. In accordance with article 166 of the United Nations Convention on the Law of the Sea, the secretariat shall comprise a Secretary-General and such staff as the Authority may require. The number of established posts in the secretariat as of 31 May 2023 was 52 (30 Professional, 2 National and 20 General Service).

13. During the reporting period, five job openings were placed on the Inspira platform. At the end of May 2023, four out of the five vacancies had been filled, 3 staff members separated from service one staff member retired and a total of 42 consultants were utilised. The Secretariat attaches importance to gender balance, 58 per cent of ISA staff members and 50 per cent of the senior management team, are women. In view of the growing requirements from the increase in number of staff, the secretariat also redesigned the workspace on the second floor of the headquarters building to accommodate additional workstations for new staff.

B. Participation in the common system of the United Nations

14. The Authority applies the common system of salaries, allowances and other conditions of service of the United Nations and the specialized agencies of the United Nations system. The Authority subscribed to the statute of the International Civil Service Commission (ICSC) with effect from January 2013 (see [ISBA/18/A/7](#)).

15. 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 (ICSC) and utilises common system services and tools such as Inspira, One HR, UN Department of Safety and Security and the UN Appeals Tribunal. The Secretariat also contributes to the UN Security Management System. This ensures access to disaster evacuation arrangements and medical evacuations and enables the Secretariat to participate in the Interagency Security Management Network and relevant Security Training Working Groups. The Authority is not currently a member of the Chief Executives Board (CEB) but is considering an invitation to join three

relevant CEB networks as an observer, namely Human Resources, Budget and Finance, and Information Technology.

16. On 16 November 2022, the Secretariat received a notification from the CEB forwarding a proposal from the United Nations fifth Committee to amend Articles 10(b) and Article 11(c) of the ICSC Statute and requesting for specialised and related agencies to provide written opinions on the proposed amendment and the process of obtaining a written notification of acceptance. The Secretary-General on 12 December 2022 sent a letter to the ICSC informing that in line with the legal process identified in Article 30 and 1(3) of the ICSC Statute, the Secretariat would need to notify the Council and Assembly at its next meeting in July 2023 of the proposed amendments prior to sending a written notification of acceptance. A separate report has been prepared by the Secretariat on this for informational purpose of the Assembly and Council.

VII. Financial matters

A. Budget

17. At its twenty-seventh session, the Assembly, following the recommendation of the Finance Committee adopted the budget for the financial period 2023–2024 in the amount of \$22,256,000².

B. Status of contributions

18. In accordance with the Convention and the 1994 Agreement, the administrative expenses of the Authority shall 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 shall be based on the scale used for the regular budget of the United Nations, adjusted for differences in membership. As of 31 May 2023, 68 per cent of the value of contributions to the 2023 budget due from member States and the European Union had been received.

19. Contributions outstanding from member States for prior periods (1998–2022) amounted to \$757,586 as at 31 May 2023. Notices are sent on a regular basis to member States, reminding them of the arrears. In accordance with article 184 of the Convention and rule 80 of the rules of procedure of the Assembly, a member of the Authority which is in arrears in the payment of its financial contribution shall have no vote if the amount of its arrears equals or exceeds the amount of financial contribution due from it for the preceding two years. As at 31 May 2023, the following 47 members of the Authority had been in arrears for two years or more: Bahrain, Barbados, Belize, Bolivia, Brazil, Burkina Faso, Chad, Comoros, Congo, Cuba, Democratic Republic of the Congo, Djibouti, Dominica, Equatorial Guinea, Gabon, Gambia, Guinea, Guinea-Bissau, Haiti, Honduras, Iraq, , Lebanon, Lesotho, Liberia, Madagascar, Malawi, Mali, Marshall Islands, Mauritania, Mongolia, Montenegro, Myanmar, Nepal, Niger, Niue Island, North Macedonia, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Senegal, Seychelles, Solomon Islands, Somalia, Sudan, Suriname, Uganda, and Yemen.

20. As of 31 May 2023, the balance of the working capital fund stood at \$717,541 against an approved level of \$750,000.

² see ISBA/27/A/10 and ISBA/27/A/3-ISBA/27/C/22, ISBA/27/A/3/Add.1–ISBA/27/C/22/Add.1 and ISBA/27/A/3/Add.1/Rev.1- ISBA/27/C/22/Add.1/Rev.1.

C. Voluntary Trust Fund for the members of the Legal and Technical Commission and the Finance Committee

21. The Voluntary Trust Fund for the participation of members of the Legal and Technical Commission and the Finance Committee from developing countries was established in 2002. As of 31 May 2023, the total contributions to the Fund over its lifetime amounted to \$1,383,780. During the reporting period, contributions were made by China (\$40,000), Norway (\$9,775), United Kingdom (\$10,000) and \$18,000 from contractors. As of 31 May 2023, the balance of the Fund was \$40,004.

D. Voluntary Trust Fund for the members of the Council

22. At its twenty-third session, the Assembly requested the Secretary-General to establish a Voluntary Trust Fund to support the participation of members of the Council from developing States (see [ISBA/23/A/13](#)). As of 31 May 2023, the total contributions to the Fund over its lifetime amounted to \$145,202. During the reporting period contributions were made by the United Kingdom (\$10,000) and \$25,500 from contractors. As of 31 May 2023, the balance of the Fund was 548.

E. Voluntary Trust Fund for the Special Representative of the Secretary-General for the Enterprise

23. At the first part of its twenty-fifth session, the Council requested the Secretary-General to establish a 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 (see [ISBA/25/C/16](#)). The fund was created on 1 March 2019. As of 31 May 2023, the balance of the fund was \$3,528.

F. International Seabed Authority Partnership Fund

24. The Partnership Fund was established in line with the decision of the Assembly during the twenty-seventh session as a multi-donor trust fund pursuant to regulation 5.5 of the Financial Regulations of the International Seabed Authority³. The main objective of the fund is to promote and encourage the conduct of marine scientific research in the Area for the benefit of humankind as a whole. Since August 2022, contributions to the Fund were made by France (\$122,124), Mexico (\$10,000), China (\$20,000) and Greece (\$52,520) in addition to the (\$400,000) withdrawn from the Endowment Fund. Total contributions as of 31 May 2023 is \$604,644 and no expenditures from the Fund have been made to date.

G. Trust Fund for extrabudgetary support to the International Seabed Authority

25. The Authority receives extrabudgetary funds from member States and other donors, intended to support activities not funded by the approved budget of the Authority. These may be one-off contributions or funds to support multi-year programmes or projects. Funds are to be used in accordance with the terms agreed with the respective donors, including reporting and audit requirements.

³ See [ISBA/27/A/10](#) and [ISBA/27/FC/3](#)

26. In March 2018, the Secretary-General created a multi-donor trust fund for extrabudgetary support to the activities of the Authority. The fund is established pursuant to regulation 5.5 of the Financial Regulations of the Authority and is administered in accordance with the Financial Regulations. Since its creation, the fund raised \$2,495,376 and has a net balance of \$627,199 as of 31 May 2023. Since March 2022, contributions have been made by the National Marine Biodiversity Institute of Korea (\$125,809), Monaco (\$21,468), European Union-SSKI Project \$208,024 and \$123,000 towards the Deep-Dive initiative.

VIII. Previous session of the Authority

A. Twenty-Seventh session

27. The twenty-seventh session of the Assembly was held in Kingston from 1 to 4 August 2022. A total of seven meetings were held (191st to 197th) with a special commemorative event of the fortieth anniversary of the adoption and opening for signature of the United Nations Convention on the Law of the Sea. At its opening meeting, the Assembly elected Satyendra Prasad (Fiji) as its President and Ghana, Mexico and Norway were elected Vice-Presidents. Olav Myklebust of Norway was designated as acting President, to preside over the meetings in the absence of the President.

28. During the session, the Assembly considered the annual report of the Secretary-General of the Authority, submitted in accordance with article 166, paragraph 4, of the Convention⁴. The Assembly elected 15 members of the Finance Committee for the period 1 January 2023 and ending on 31 December 2027 in accordance with section 9 of the annex to the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea. The Assembly also elected 18 members of the Council for the term 1 January 2023 to 31 December 2026. A decision relating to the budget of the Authority for the financial period 2023–2024 was adopted during its 194th meeting⁵. At the same meeting, the Assembly adopted a decision relating to the implementation of a programmatic approach to capacity development⁶.

29. The twenty-seventh session of the Council held in three parts, the first part held from 21 March to April 2022, the second part from 18 to 29 July 2022 and the third part from 31 October to 11 November 2022. At the first part of its meetings, it elected Tomasz Abramowski (Poland) as President of the Council. The Council also elected Sierra Leone, Jamaica, Korea and Canada as Vice-Presidents.

30. During the meetings, the Council progressed its negotiations on the draft exploitation regulations as a priority. It considered the reports of the Legal and Technical Commission and adopted a decision relating to the implementation of the report of the Commission⁷ and in its July meetings elected 41 members of the Legal and Technical Commission for the period 1 January 2023 to 31 December 2027⁸. In the same meeting, it adopted a decision relating to the development of binding environmental threshold values⁹.

31. The Council continued its consideration of the report of the Special Representative of the Secretary-General for the Enterprise¹⁰ and adopted a decision

⁴ See ISBA/27/A/2 and ISBA/27/A/2/Add.1

⁵ see ISBA/27/A/10

⁶ See See ISBA/27/A/11

⁷ See ISBA/27/C/44

⁸ See ISBA/27/C/41 and ISBA/27/C/41/Add.1

⁹ See ISBA/27/C/42

¹⁰ See ISBA/27/C/14 and Corr.1 and ISBA/27/C/34

relating to the possible scenarios and any other pertinent legal considerations in connection with section 1, paragraph 15, of the annex to the 1994 Agreement¹¹. The Council approved a memorandum of understanding with the African Union¹². It also adopted a decision on an application from the Government of India for extension of its contract for exploration of polymetallic nodules¹³. The Council also adopted a decision on the request for deferral of the schedule of relinquishment from the Federal Institute for Geosciences and Natural Resources and the Institut français de recherche pour l'exploitation de la mer¹⁴.

B. First part of the twenty-eighth session of the Council

32. The twenty-eighth session of the Council opened on 16 March 2023. The Council elected Juan José González Mijares (Mexico) as President. Ghana, the Republic of Korea, and Canada were elected Vice-Presidents. It adopted a decision relating to the understanding and application of section 1, paragraph 15, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea¹⁵. The Council also adopted a decision relating to the establishment of the position of an interim director general of the Enterprise¹⁶ and a decision on the deferral of the Schedule of relinquishment by one of the contractors¹⁷.

33. The Council continued its work on the draft regulations for exploitation of mineral resources in the Area following the road map adopted in 2022¹⁸.

IX. Status of contracts for exploration

34. As of 31 May 2023, the Authority has 30 contracts for exploration are in force (19 for polymetallic nodules, 7 for polymetallic sulphides and 4 for cobalt-rich ferromanganese crusts). Each contractor is required to submit an annual report to the Secretary-General within 90 days from the end of each calendar year, covering its programme of activities in the exploration area. In this respect, for 2023, 30 annual reports in relation to 30 exploration contracts have been received by the secretariat.

35. Since 2017, the Secretary-General has been holding annual consultative meetings with contractors to discuss issues of common interest and share best practice in deep-sea exploration. In 2022, the consultative meetings took place in Delft, Netherlands, between 5-7 December 2022, with logistical support from Allseas Group and the Technical University of Delft. It was attended by 64 representatives of exploration contractors. The next consultative meeting is projected to be held in October 2023.

¹¹ See ISBA/27/C/45

¹² See ISBA/27/C/29

¹³ See ISBA/27/C/18

¹⁴ See ISBA/27/C/19 and ISBA/27/C/39

¹⁵ See ISBA/28/C/9

¹⁶ See ISBA/28/C/10

¹⁷ See ISBA/28/C/8

¹⁸ See Annex II of ISBA/27/C/21/Add.2

X. United Nations General Assembly and meetings of States Parties to the Convention

36. On 8 December 2022, the Secretary-General participated in the United Nations General Assembly Commemoration of the 40th anniversary on the adoption and opening for signature of the Convention and delivered a statement on behalf of the Authority.¹⁹

37. At the 77th Session of the United Nations General Assembly, on 9 December 2022, the Secretary General made a statement under Agenda item 72 (a) Oceans and Law of the Sea. The Statement informed about the achievements of the members of the Authority in 2022 and the adoption of a roadmap for continued work in 2023, highlighting that the completion of the regulatory regime is considered crucial for the Authority to fulfill its mandate of protecting the marine environment and the rights of all States Parties. The Secretary-General pointed out that having clarity in the legal framework and the removal of regulatory uncertainty and risk are in the best interests of all members. The statement also highlighted the strategic framework put in place over the past five years, including the adoption of a Strategic Plan and the establishment of the International Seabed Authority Partnership Fund. These decisions aim to enhance capacitybuilding opportunities and international collaboration. The statement emphasized the importance of implementing the Action Plan in support of the UN Decade of Ocean Science and the launch of the Sustainable Seabed Knowledge Initiative. The statement concluded by expressing anticipation for the upcoming meetings in Jamaica and the progress towards the mining code in 2023.²⁰

38. The Authority participated²¹ at the thirty-third Meeting of States parties to the Convention, held from 12 to 16 June 2023, informing on the activities of the Authority.

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

39. For the reporting period 2022–2023, the secretariat has been assigned some responsibilities for 60 high-level actions, with 102 related outputs, as listed in annex II. In three cases, no specific output has been identified and, therefore, the reporting specifically addresses the high-level action of interest (see high-level actions 3.2.2, 5.2.2 and 9.3.3). Accordingly, the total number of items identified for this reporting is 105. The secretariat is identified as the “organ responsible” for 76 outputs, the “associated organ” for 20 other outputs and the “coordinating organ” for 9 of them.

40. As at 30 May 2023, 83 per cent (87) of the assigned high-level actions and the outputs had been completed, while 16 per cent (17) were still in progress and expected

¹⁹https://estatemts.unmeetings.org/estatemts/10.0010/20221208/k7a1T8gXAeEB/wQlwlwa4tI6_en.pdf

²⁰https://estatemts.unmeetings.org/estatemts/10.0010/20221209/eSmFLu8poyAI/Gzs0LuIyuaqs_en.pdf

to be achieved by the end of the year (see annex I). One high-level action (3.3.2) under strategic direction 4 (“Protect the marine environment”) had been put temporarily on hold to allow the Council to progress its discussions in that matter. Outputs assigned for the reporting period under strategic directions 1 (“Realize the role of the Authority in a global context”), 2 (“Strengthen the regulatory framework for activities in the Area”), 6 (“Ensure fully integrated participation by developing States), 8 (“Improve the organization performance of the Authority”) and 9 (“Commit to transparency”) have been completed at more than eighty per cent. Details of the work undertaken against all outputs have been compiled by the secretariat and are available in annex II.

Annex I

Status of completion of high-level actions assigned to the Secretariat and related outputs for the reporting period 2022-2023

<i>SDs</i>	<i>Number of relevant items for the reporting</i>	<i>Completed</i>		<i>In progress</i>	<i>On hold</i>	<i>Status of completion</i>
		Ongoing	Achieved			
Strategic direction 1: realize the role of the Authority in a global context	15	14		1		93%
Strategic direction 2: strengthen the regulatory framework for activities in the Area	6	5		1		83%
Strategic direction 3: protect the marine environment	14	6	3	4	1	64%
Strategic direction 4: promote and encourage marine scientific research in the Area	11	8		3		73%
Strategic direction 5: build capacity for developing States	11	5	3	3		73%
Strategic direction 6: ensure fully integrated participation by developing States	9	6	2	1		89%
Strategic direction 7: ensure equitable sharing of financial and other economic benefits	<i>n/a</i>		<i>n/a</i>			<i>n/a</i>
Strategic direction 8: improve the organizational performance of the Authority	21	16	3	1		90%
Strategic direction 9: Commit to transparency	18	16		2		89%
Total	105	76	11	17	1	83%

Annex II

Status of implementation by the Secretariat of the relevant high-level actions and associated outputs for the reporting period 2022-2023

The status of implementation by the secretariat of the relevant high-level actions and related outputs for the reporting period 2022-2023 is available (in English only) at the following URL:

https://www.isa.org.jm/wpcontent/uploads/2023/05/ISBA_28_A_2_Add_1_Annex_II.pdf