

GOVERNING BODIES

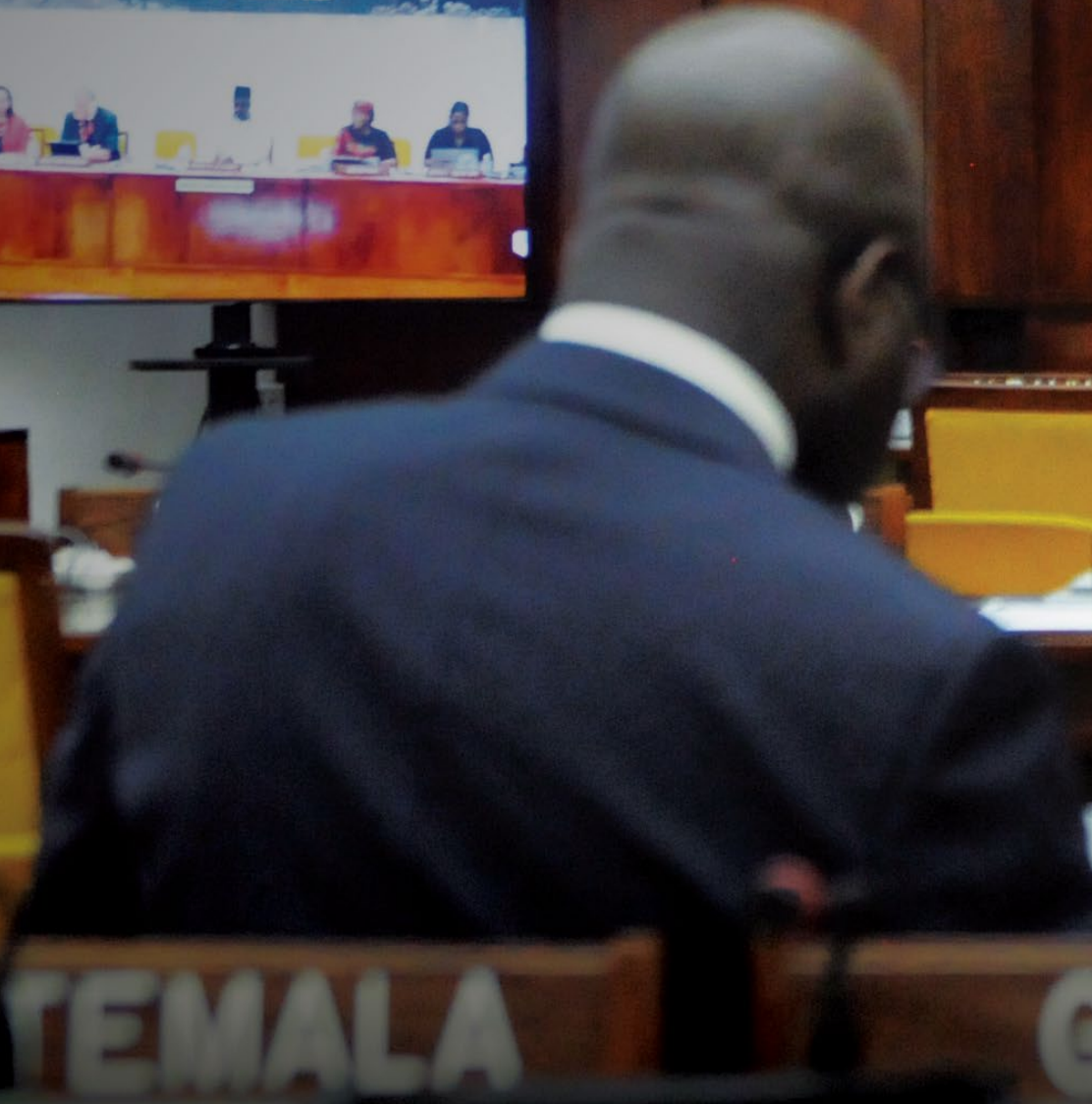


International Seabed Authority
28th Session 2023



CHIEF OF STAFF &
HEAD OF STRATEGIC PLANNING UNIT

LEGAL COUNSEL



TEMALA

GUINEA

06



Structure and functions

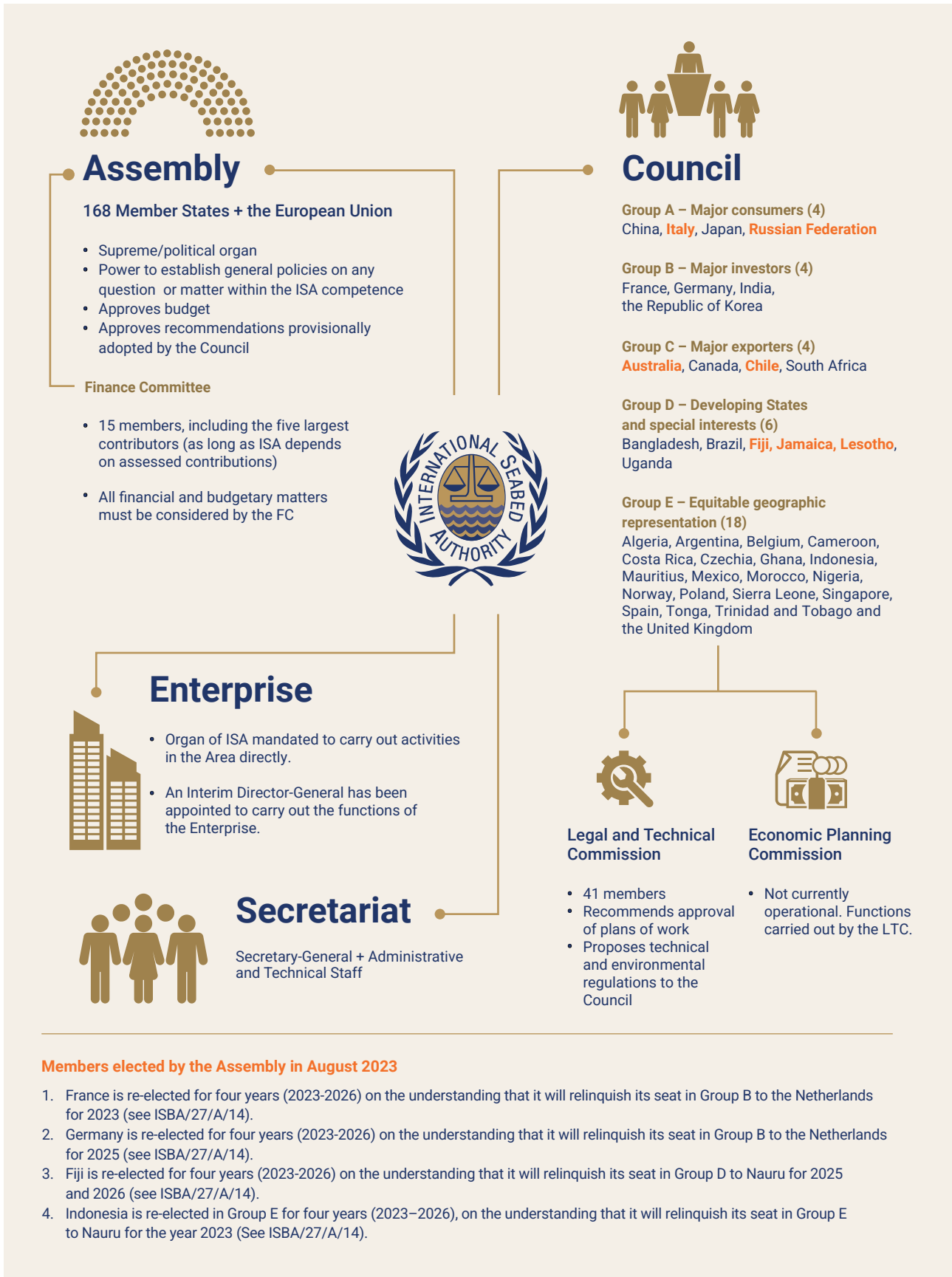


Figure 14. Structure and functions of the different organs of ISA



INTERNATIONAL SEABED AUTHORITY 28TH SESSION



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Sessions of the governing bodies in 2023-2024

28th session of the Assembly

The 28th session of the Assembly took place from 24 to 28 July 2023 (197-206th meetings) at the Jamaica Conference Centre in Kingston, Jamaica. His Excellency Alhaji Fanday Turay, Permanent Representative of Sierra Leone to the UN, was elected President of the Assembly for the 28th session.

The representatives of Belgium (Western European and Other States), Singapore (Asia-Pacific States) and Trinidad and Tobago (Latin American and Caribbean States) were elected Vice-Presidents of the Assembly for the 28th session.

In accordance with Rule 82, paragraph 1(e), of the Rules of Procedure of the Assembly and the guidelines for observer status of non-governmental organizations with ISA, the Assembly considered and approved eight applications for observer status: Arayara International Institute, China Biodiversity Conservation and Green Development Foundation, Environmental Justice Foundation Charitable Trust, International Council on Mining and Metals, Minderoo Foundation, Norwegian Forum for Marine Minerals, Sustainable Ocean Alliance, Te Ipukarea Society.

In accordance with section 9, paragraph 5, of the Annex

to the 1994 Agreement, the Assembly elected Xing Chaohong (China) to fill the vacant seat on the FC left by Kejun Fan for the remainder of his term, ending on 31 December 2027.

The Secretary-General presented his 2023 annual report, submitted in accordance with Article 166(4) of UNCLOS comprising of an official document and an illustrated publication entitled “Just and equitable management of the common heritage of humankind.”⁸¹

Under the same agenda item, the Secretary-General also reported on the implementation of the ISA MSR Action Plan. The presentation was followed by a general debate during which one regional group, 53 ISA Members and 10 observers made statements.

Delegations welcomed the extensive work carried out under all nine strategic directions set out in the Strategic Plan and High-Level Action Plan of ISA for 2019–2023. They also commended the establishment of the ISAPF. They underlined the importance of its objectives to promote and encourage the conduct of MSR for the benefit of humankind as a whole and to develop the capacities of developing ISA Member States, particularly the LDCs, LLDCs and SIDS.

81 ISA. 2023. Secretary-General Annual Report 2023 – Just and equitable management of the common heritage of humankind. Available at: https://www.isa.org.jm/wp-content/uploads/2023/07/ISA_Secretary-General_Annual_Report_2023.pdf.

Appreciation was expressed regarding the work and efforts invested by ISA in enhancing the capacity of developing States in line with the key result areas set out in the Capacity development strategy adopted in 2022, the contribution of ISA to the achievement of the 2030 Agenda for Sustainable Development and to other global and regional processes, such as the Kunming-Montreal Global Biodiversity Framework and the continued productive and positive cooperation with UN agencies and organizations.

Delegations noted the significant progress achieved by the Council in the development of the draft exploitation regulations. They welcomed the new road map for the remaining part of the twenty-eighth session and the first and second parts of the twenty-ninth session, with a view to the adoption during the thirtieth session of rules, regulations and procedures relating to exploitation. Several delegations expressed their national positions on deep-seabed mining and the need to ensure robust regulatory frameworks for the protection of the marine environment prior to the approval of a plan of work for exploitation.

The Assembly considered the report of the FC and commented on the development of rules, regulations and procedures on the equitable sharing of financial and other economic benefits derived from activities in the Area. Some delegations favoured the establishment of a Common Heritage Fund (formerly a Seabed Sustainability Fund) over a mechanism that would favour direct distribution, while others suggested that both options should be considered.

The Assembly welcomed the work undertaken by the FC in its assessment of the justifications provided by the Secretary-General on the proposed costs and budgetary impacts of the operationalization of the Enterprise, as

well as the forecasted budgetary requirements associated with the anticipated work of ISA for the period 2025–2030, in conformity with the evolutionary approach contained in the 1994 Agreement.

The Assembly adopted a decision on financial and budgetary matters, including the adoption of a supplementary budget relating to the costs associated with the establishment of the position of Interim Director-General for the Enterprise.

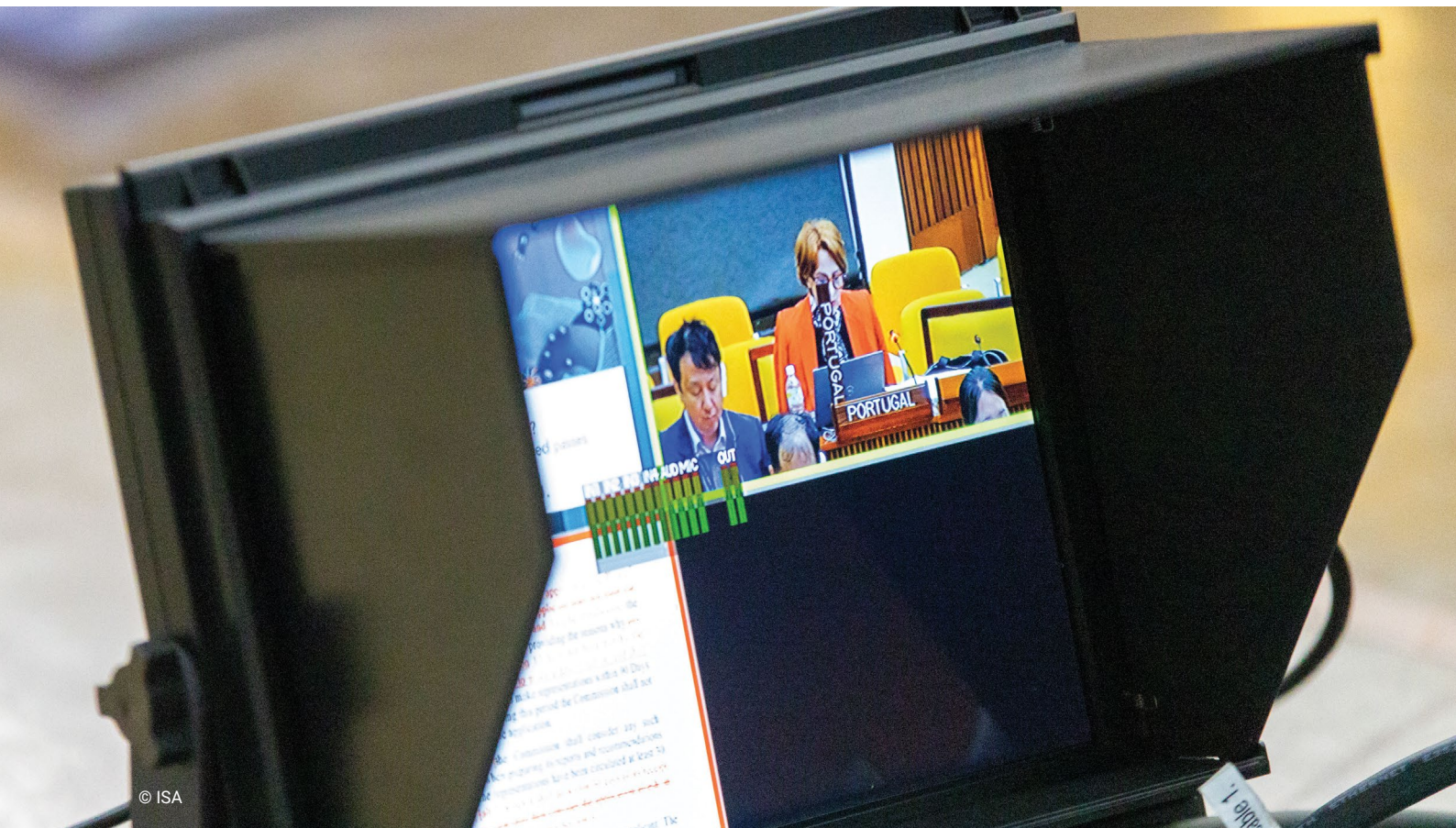
The Assembly decided to extend the current Strategic Plan for the period 2019–2023 by two years and requested the Secretary-General review the High-Level Action Plan for 2019–2023 with a view to extending it in line with the extension of the Strategic Plan.

The Assembly approved the memorandum of understanding between ISA and IRIC with a view to formalizing their cooperation in order to design and implement a dedicated capacity development programme to address the specific needs of Member States in the region and establish a dedicated curriculum on Part XI of UNCLOS for African diplomats to support the development of enhanced knowledge and expertise in African countries, including by developing a series of activities for the dissemination of knowledge and expertise on the law of the sea in relation to matters pertaining to the implementation of Part XI of UNCLOS and the 1994 Agreement in Africa. The Assembly also approved the memorandum of understanding between ISA and the NIOF of Egypt for the establishment of a JTRC.

The Assembly adopted a decision approving the amendments to the ICSC Statute and requested that the ISA Secretary-General notify the UN Secretary-General of the acceptance by ISA of the proposed amendments to the Statute.



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28th session of the Council

The 28th session of the Council was held in three parts: from 16 to 31 March 2023, 10 to 21 July 2023 and 30 October to 8 November 2023. The Council continued its work on the draft regulations for the exploitation of mineral resources in the Area following the road map adopted in 2022.⁸²

At its meetings in March 2023, the Council elected H.E. Mr. Juan José González Mijares (Mexico) the President for the 28th session.

As co-facilitators of the informal intersessional dialogue to facilitate further discussion on the possible scenarios foreseen in section 1, paragraph 15, of the Annex to the Part XI Agreement and on any other pertinent legal considerations to explore commonalities in possible approaches and legal interpretations for the Council, Belgium and Singapore presented a briefing note to the Council on the progress made on this matter. The Council adopted two decisions relating to the understanding and application of Section 1, paragraph 15.⁸⁴

During Parts II and III of the 28th session, the Council proceeded in accordance with the established modalities and conducted a regulation-by-regulation reading of the President's and the facilitators' respective texts. In accordance with the Council's decision made during

Part II, the President proceeded to prepare a consolidated text to serve as the basis for further discussions.

In addition to making progress on the draft regulations on exploitation, the Council also adopted a significant decision on a timeline following the expiration of the two-year period pursuant to Section 1, paragraph 15, of the Annex of the 1994 Agreement.⁸⁴ Following the recommendations of the LTC and the FC,⁸⁵ the Council adopted a decision on the establishment of the position of Interim Director-General for the Enterprise and the reports of the LTC Chair.⁸⁶

Further agenda items during the 28th session included the adoption of an agreement of cooperation between ISA and the ILO and the election of Rebecca Hitchin (UK) as a member of the LTC for the remainder of the term of Jon Copley, who resigned on 27 January 2023. In addition, the Council adopted decisions on the deferral of schedules of relinquishment upon requests by the Government of the Republic of India and the Government of the Republic of Korea.

At the end of Part III, the Council discussed and adopted a revised road map presented by the President for the organization of the work on the draft regulations during Parts I and II of the 29th session of the Council.



82 ISA. 2022. Statement by the President of the Council on the work of the Council during the third part of the twenty-seventh session: Addendum (ISBA/27/C/21/Add.2).

83 ISA. 2023. Decision of the Council of the International Seabed Authority 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 Sea (ISBA/28/C/9). ISA. 2023. Decision of the Council of the International Seabed Authority 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 Sea (ISBA/28/C/25).

84 ISA. 2023. Decision of the Council of the International Seabed Authority on a timeline following the expiration of the two-year period pursuant to 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 Sea (ISBA/28/C/24).

85 ISA. 2023. Decision of the Council of the International Seabed Authority relating to the establishment of the position of an interim director general of the Enterprise (ISBA/28/C/23).

86 ISA. 2023. Decision of the Council of the International Seabed Authority relating to the reports of the Chair of the Legal and Technical Commission (ISBA/28/C/27).

29th session of the Council

During Part I of the 29th session, the Council elected H.E. Ambassador Olav Myklebust (Norway) as President of the Council. It was also decided that the Federal Republic of Brazil, the Republic of India and the Republic of Uganda would elect the Vice-Presidents of the Bureau.

Part I of the 29th session was focused on progressing with the draft exploitation regulations and substantial progress was made. Separately, working groups and thematic discussions focused on a number of outstanding conceptual topics in relation to the draft exploitation regulations, led by facilitators and rapporteurs. It was agreed that Part II would continue with the negotiation

of the President's consolidated text with a view to completing the first reading of the text.

The Council agreed to the establishment of a memorandum of understanding between ISA and the FAO and elected María Gómez Ballesteros (Spain) as a member of the LTC to replace Adolfo Maestro Gonzales following his resignation on 29 January 2024.

Finally, the Council discussed matters pertaining to the cooperation with the OSPAR Commission and incidents that occurred in the NORI-D contract area of the CCZ.



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