

## ISA-27 Assembly Highlights: Tuesday, 2 August 2022

The 27th session of the Assembly of the International Seabed Authority (ISA) continued its work on Tuesday with the day devoted to discussing the annual report of Secretary-General Michael Lodge.

### Chilean Proposal on the Two-Year Timeline

Following a Bureau meeting and relevant legal advice, Acting President Myklebust noted that for the item to be formally placed on the agenda a two thirds majority would be required. Noting the desire to reach consensus, he said they would continue to consult and revert to the issue on Wednesday.

### Credentials Committee

Delegates approved as members of the Credentials Committee the following countries: Bahamas, India, Italy, Lesotho, the Netherlands, the Philippines, South Africa, and Trinidad and Tobago. An additional nomination will be made in due course.

### Report of the Secretary-General

Secretary-General Lodge presented his annual report to the Assembly (ISBA/27/A/2 and Add.1). He also reported on the implementation of the action plan of the Authority in support of the UN Decade of Ocean Science for Sustainable Development (ISBA/27/A/4). The working documents should be read together with the 2022 Secretary-General annual report, available at the ISA website.

On the **status of contributions**, Secretary-General Lodge noted that the number of Member States that are in arrears for more than two years, and subsequently cannot vote, has decreased. On the **Secretariat status**, he drew attention to filling vacant positions, and underscored the relationship between ISA and the UN common system of organizations. He further provided an overview of ISA activities during the year as well as the strategic partnerships developed over the past years.

On the **implementation of the Strategic Plan 2019-2023**, regarding realizing **ISA's role in a global context**, he highlighted, *inter alia*, the independent report to review the contribution of ISA to the achievement of the 2030 Agenda and its Sustainable Development Goals (SDGs), and the strategic alliances, including with the OSPAR Commission, the African Union Commission, and the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP).

Secretary-General Lodge drew attention to gender equality and women's empowerment, highlighting ISA's efforts as one of the International Gender Champions, including for the establishment of an Impact Group on Ocean and Women.

On the **implementation of the action plan for marine scientific research**, he highlighted: that the ISA became the first UN organization to serve as a node for the Ocean Biodiversity Information System (OBIS); the signing of a letter of collaboration with the World Register of Marine Species (WoRMS); active collaboration with the Seabed Mining and Resilience to EXperimental impact (SMARTeX) and the Conservation and Restoration of deep-sea ecosystems in the context of deep-sea mining (DEEP-REST) projects; the AREA2030 initiative in partnership with the International Hydrographic Organization (IHO); and the Sustainable Seabed Knowledge Initiative (SSKI).

On **capacity development**, Secretary-General Lodge underscored, *inter alia*: the establishment of national focal points; the African Deep Seabed Resources (ADSR) project; work with

China for the establishment of the Joint Training and Research Centre (JTRC); the ISA's Deep Dive platform; collaboration with partners to develop a training programme on international law related to ocean governance and the legal framework for the blue economy; and collaboration with Antigua and Barbuda to support the development of dedicated capacity development activities in relation to emerging blue economy sectors in the Caribbean. He further presented the Third Edition of his Award for Excellence in Deep-Sea Research to Kirsty McQuaid, South Africa.

On **ensuring fully integrated participation by developing states**, he highlighted: collaboration with the Indian Ocean Rim Association (IORA); collaboration with the UN Office of the High Representative for the Least Developed Countries (LDCs), Landlocked Developing Countries (LLDCs) and Small Island Developing States (SIDS) (UN-OHRLS), including the publication of three studies to inform LDCs, LLDCs, and SIDS of the benefits offered to them by UNCLOS.

On **transparency**, Secretary-General Lodge drew attention to: a new webinar series entitled "Deep-DiplomaSea"; 15 general ISA publications; and activities undertaken by the Authority to develop deep sea literacy.

Several delegates thanked the Secretary-General for a comprehensive report. Many expressed appreciation for ISA's work, and lauded the Secretariat for achieving important tasks contained in its Strategic Plan. Many delegates further expressed support for ISA's initiatives towards gender equality and women's empowerment as well as efforts to support LDCs, LLDCs, and SIDS, and to contribute to the SDGs.

On the **status of contributions and the trust funds**, FRANCE, the UK, and others reported on their contributions to the trust funds. CUBA said that it could not meet its quotas for 2020 and 2021 due to the ongoing embargo. COSTA RICA and CHINA called for greater clarity on the differentiated objectives of each of the different funds.

On **realizing the role of ISA in a global context**, Nigeria, for the AFRICAN GROUP, noted that the Strategic Plan of the Authority serves as a useful roadmap for advancing the Authority's work, underscoring that the achievement of SDG14 (life below water) is linked with the realization of other SDGs. He welcomed, supported by many, the Memorandum of Understanding (MoU) with the African Union.

SINGAPORE and the PHILIPPINES encouraged the ISA to continue to explore and deepen partnerships, with the PHILIPPINES urging continued outreach work and dissemination.

The NETHERLANDS encouraged enhancing stakeholder engagement, public information, and outreach. COSTA RICA stressed that the Secretary-General's participation in different events implies that the opinions of the Authority Member States are represented, cautioning against inappropriate, one-sided comments.

The Deep Sea Conservation Coalition (DSCC) noted that arguments on ensuring a safe transition to low-carbon economies via deep seabed mining are based on false narratives and are inconsistent with SDG14.

On **promoting marine scientific research in the Area** (the seabed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction), NIGERIA took note of initiatives which contribute significantly to the UN Decade of Ocean Science. TONGA acknowledged ongoing contributions to marine scientific research and encouraged further active participation.

MEXICO highlighted the Authority's regional agreements and MoUs with different organizations, urging Member States to contribute to the Fund on marine scientific research. ECUADOR encouraged the ISA to continue promoting scientific research for

developing countries through technology and innovation. BRAZIL drew attention to the SSKI, which it co-sponsors with other states and the European Commission.

On **building capacity for developing States**, the AFRICAN GROUP commended the Secretary-General on his support for sustainable development and the interests of LDCs and SIDS to develop their blue economies, yet stressed the need to ensure no one is left behind. He expressed appreciation to the ISA for collaboration with the African Union through the ADSR Project. BURKINA FASO encouraged greater awareness raising around the potential advantages of exploiting deep seabed resources through capacity building and development, urging for equitable access for all to the Area. CAMEROON urged more focus on implementation and capacity building.

VIET NAM called for further promoting capacity-building and technology transfer initiatives that take into account the specific needs of developing countries, with LESOTHO stressing the interests of LLDCs, geographically challenged and technologically less developed states must be taken into account. BANGLADESH stressed the need for ongoing support and enhanced cooperation with the ISA, with MOROCCO calling for innovative partnerships and capacity building. INDIA invited more reporting on the ISA's capacity-building initiatives. ARGENTINA, TONGA, and SENEGAL highlighted the appointment of national focal points.

ANTIGUA AND BARBUDA highlighted relevant work to unleash the potential of the Blue Economy, including through joint training initiatives to enable economic transformation. NAURU identified contractor training programmes as a key priority, and highlighted initiatives concerning Pacific states, including the Abyssal Initiative for Blue Growth. KIRIBATI emphasized fair and equitable geographic distribution regarding technology transfer and capacity building, and encouraged the promotion and facilitation of regional centers of excellence for the promotion of developing states' capacities.

On **ensuring participation by developing states**, several delegates expressed their support for the hybrid format of meetings. The AFRICAN GROUP stressed that it has repeatedly called for the prioritization of the Enterprise. SOUTH AFRICA said deliberations on the operationalization of the Enterprise must be finalized before any work plans for exploitation are approved.

ARGENTINA and the PHILIPPINES noted that ensuring the full participation of developing states is intertwined with developing capacity. NAURU encouraged further contributions to the relevant voluntary trust fund to allow Member States to participate in meetings.

On **transparency**, NIGERIA commended the Secretary-General for the "Deep-DiplomaSea" webinar series. NEW ZEALAND welcomed the hybrid format of the meetings, in view of the reduced capacity of the venue, and stressed the importance of continued full participation and transparency for all Member States and observers to ISA.

The NETHERLANDS noted the work to enhance the ISA's online presence, and reiterated the importance of continuing to broadcast the meetings of the ISA and Council live. MALTA supported efforts to ensure that ISA remains fit for purpose, including through providing public information and outreach. BRAZIL commended the initiatives that raise awareness and understanding of the ISA's mandate, noting they contribute to more transparency and accountability.

On **administrative matters and the Secretariat**, the AFRICAN GROUP expressed concern that Africa is underrepresented, especially in management positions. BRAZIL considered that the decision regarding the election and composition of the Legal and Technical Commission (LTC) contributes to more regional balance and qualified appointments, offering suggestions to further strengthen the LTC.

Regarding **the development of the exploitation regulations and environmental concerns**, SPAIN noted that the protection and preservation of the marine environment is a priority for many delegations, stressing that "the time has come to slow down the transition to exploiting mineral resources in the deep seabed." He added, supported by NEW ZEALAND, FRANCE, the NETHERLANDS, ECUADOR, and others, that the two-year rule does not oblige Member States to move to the exploitation stage if environmental guarantees are inadequate. ITALY urged working on high quality guidelines, unencumbered by imposed deadlines, to be in place before any exploitation contracts issue.

Describing the current process as a race towards exploitation where every decision counts, MONACO said that "we can still win it on behalf of the Area," including by taking into account progress made at other international ocean processes, such as the biodiversity beyond national jurisdiction (BBNJ) process. The

NETHERLANDS, EGYPT, and others, encouraged continued and further coordination and cooperation with the BBNJ process, to ensure consistency and coherence. The DSCC stressed that ISA should "build bridges towards BBNJ rather than fences around itself."

CHILE cautioned against negotiating under time pressure, and urged not to "place the interests of a few above the interest of mankind," noting that exploiting the seabed without effective regulations would mean "feast today and famine in the future." COSTA RICA stressed that deep seabed is the only resource in human history that "we have the opportunity to regulate before exploiting it."

The RUSSIAN FEDERATION called for: avoiding hasty decisions on the exploitation regulations; carefully considering the need to protect the marine environment; and developing a payment mechanism that takes into account the principle of common heritage of mankind (CHM). NEW ZEALAND stressed that mining cannot take place without a strong code that ensures effective environmental protection and drew attention to its proposal, with other states, to "encode" UNCLOS Article 145 (protection of the marine environment) into the draft regulations.

SOUTH AFRICA said all activities in the Area should be carried out with CHM and the polluter pays principle in mind. MOROCCO stressed the need for exploitation regulations to be approved before issuing any contracts. ALGERIA asked deep seabed mining be implemented for the benefit of mankind as a whole. CUBA said that the transition from exploration to exploitation should be guided by transparency, the precautionary approach, and preserving the CHM.

JAPAN said environmental protection is becoming more important, while recognizing the ever-increasing importance of promoting deep seabed mining. SINGAPORE stated its commitment to a "robust, clear, and comprehensive framework for the protection of the marine environment."

CHINA said exploitation regulations should embody all UNCLOS provisions, balancing rights and obligations, and ensuring fair and equitable benefit sharing. The PHILIPPINES stressed that the third part of the Council meeting should operationalize UNCLOS provisions on the rights of coastal states.

NAURU stated that the regulations must acknowledge technology as essential to protecting the marine environment, and called for finalizing a "world class mining code." KIRIBATI noted that whilst the Council is obligated to expedite the finalization of the exploitation regulations, it is vital that the ISA also expedite regional environmental management plans.

ARGENTINA noted that all technical, environmental, and financial aspects of deep sea mining must be jointly configured to ensure best practices and standards for the protection of the marine environment. Recalling that the original deadline for exploitation regulations had been 2020, the UK urged taking advantage of the year ahead and up to six weeks of Council meetings to move this work forward.

The DSCC highlighted the UN General Assembly resolution recognizing the right to a clean, healthy, and sustainable environment as a human right, noting that authorizing deep seabed mining runs contrary to such right. He noted that the two-year timeline is the "elephant in the room," causing stress for the whole ocean community.

Pointing to Tuvalu rescinding its support for the exploration permit to Circular Metals Tuvalu Ltd., GREENPEACE INTERNATIONAL commented on this first unilateral cancellation of a permit in the Area as an expression of support for the common stewardship responsibility and recognition of the potentially far-reaching impacts. He said the only remaining path in line with the precautionary approach is a moratorium on deep seabed mining as called for by stakeholders.

### *In the Corridors*

The bulk of Tuesday was spent on the annual report of the Secretary-General, with many delegates welcoming the detailed index of ISA activities, including support for developing countries and efforts to promote the leadership of women in marine science. While the negotiation of deep seabed exploitation regulations has not been squarely on the agenda of the 27th ISA Assembly, with the Chilean proposal to at least have an open discussion remaining pending, it still continued to surface during today's discussions. Some delegates said triggering of the two-year timeline should not rush the development of exploitation regulations or for that matter the start of deep sea mining.

Still several delegates affirmed their commitment to develop exploitation regulations that protect the marine environment, although others queried whether industrial exploitation of deep seabed can go hand in hand with effective environmental protection.