



Council

Distr.: General
31 August 2021

Original: English

Twenty-sixth session

Council session, part II

Kingston, 19–23 July 2021*

Agenda item 17

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 terms of reference contained in the contract dated 1 April 2021 between the Special Representative of the Secretary-General for the Enterprise, as consultant, and the International Seabed Authority, and it follows the previous report that was submitted to the Council for its session planned for July 2020.¹ The present report covers the period elapsed since the previous report and both reports should be read in conjunction.

2. During the reporting period, in accordance with the terms of reference, the Special Representative performed the functions described below.

II. Activities of the Special Representative

A. Proposed joint venture with Poland

3. In furtherance of the mandate established by the Council and outlined in the terms of reference contained in the contract, the Special Representative wrote to the relevant authorities of Poland on 18 August 2021 in relation to the interest that the Government of Poland had previously expressed in entering negotiations to form a joint venture with the Enterprise. In his letter, the Special Representative recalled the first round of negotiations held in New York in December 2018 on the subject, as well as the expectation of the Council to have a full proposal for a joint venture on its agenda in 2019. He also recalled additional subsequent contact with Polish officials on the matter, and consequently, sought information from the Polish authorities regarding the resumption of negotiations for the conclusion of the joint venture with the Enterprise.

* New dates of the in-person meetings originally scheduled for July 2020.

¹ [ISBA/26/C/15](#).



B. Performance of certain functions of the Enterprise listed in section 2 of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982

4. The Special Representative is currently drafting managerial and policy options for the administration of the Enterprise at different stages of its operation. While this is a work in progress, the focus is on managerial policy options for the administration of the Enterprise by reference to the current stage and also anticipates what would be required if the recommendations of the Legal and Technical Commission² are adopted by the Council.

C. Comments on documents related to the ongoing work of the Authority

5. During the reporting period, the Special Representative submitted comments on the following documents:

(a) Draft communications and stakeholder engagement strategy of the Authority;

(b) Draft guideline on the preparation and assessment of an application for the approval of a plan of work for exploitation, developed by the Legal and Technical Commission;

(c) Draft standard and guidelines on the form and calculation of an environmental performance guarantee, developed by the Legal and Technical Commission.

D. Participation in conferences, meetings, workshops and other activities

6. During the period covered by the present report, the Special Representative participated in the following events:

(a) National capacity-building workshop, Indonesia, 26–28 January 2021, “Independent operation of the Enterprise: perspectives and challenges”;

(b) International Seabed Authority, Deep Diploma Sea webinar series, 25 March 2021, “Independent operation of the Enterprise: perspectives and challenges”;

(c) International Seabed Authority, third workshop of Africa’s Deep Seabed Resources Project, jointly organized by the African Union, the Norwegian Agency for Development Cooperation and the Government of Mauritius, 1–3 June 2021, “Independent operation of the Enterprise: perspectives and challenges”, and Africa’s involvement in activities in the Area;

(d) High-level political forum on sustainable development, side event entitled “Ensuring the sustainable management and stewardship for the deep seabed and its resource for the benefit of all humanity”, United Nations Headquarters, New York, 13 July 2021;

(e) International Seabed Authority Deep Diploma Sea webinar series, 8 July 2021, “Independent operation of the Enterprise: perspectives and challenges”.

² ISBA/26/C/12, sect. VI.

E. Consultations with regional groups and other entities on the operationalization of the Enterprise

7. During the period covered by the present report, the Special Representative held discussions with representatives of the Latin America and Caribbean Group on various occasions, as well as with representatives of the Group of African States, and with contractors on matters related to the operationalization of the Enterprise. The deliberations were constructive, and the entities indicated their continued support for the early operationalization of the Enterprise and expressed their support and appreciation for the work of the Special Representative.

III. Future action required

8. The Special Representative wishes to reiterate comments made in the previous report on the need for timely action to ensure that the step-by-step approach provided for in the Agreement relating to the implementation of part XI of the Convention on the operationalization of the Enterprise is realized. In order to achieve that objective, the recommendation of the Legal and Technical Commission on the appointment of an interim director general for the Enterprise should be adopted.³ This would enable the Enterprise to:

- (a) Perform the functions of the Enterprise as listed under section 2 of the annex to the Agreement;
- (b) Provide much needed inputs for the development of the regulations on exploitation on an ongoing basis, and not on the current exceptional basis;
- (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 Agreement.

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

³ Ibid.