



# Assembly

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## Twenty-fifth session

Kingston, 1–26 July 2019

### **Statement by the President on the work of the Assembly of the International Seabed Authority at its twenty-fifth session**

1. The twenty-fifth session of the Assembly of the International Seabed Authority was held in Kingston from 22 to 26 July 2019. A total of eight meetings were held (179th to 186th meetings), including a commemorative meeting held on 25 July to celebrate the twenty-fifth anniversary of the Authority.

#### **I. Adoption of the agenda**

2. On 22 July, Mariusz Orion Jedrysek (Poland), President of the Assembly at its twenty-fourth session, declared the opening of the twenty-fifth session of the Assembly.

3. At its 179th meeting, on the same date, the Assembly adopted its agenda for the twenty-fifth session ([ISBA/25/A/1](#)).

#### **II. Election of the President and Vice-Presidents of the Assembly**

4. At the same meeting, at the nomination of the Latin American and Caribbean Group, the Minister for Foreign Affairs and Foreign Trade of Jamaica, Kamina Johnson Smith, was elected President of the Assembly at its twenty-fifth session. Following consultations in the regional groups, the representatives of Ghana (African Group), Nauru (Asia-Pacific Group), Norway (Group of Western European and Other States) and Poland (Eastern European Group) were elected Vice-Presidents.

5. The Bureau met on 22 and 23 July on the margins of the meetings of the Assembly, to discuss the way forward to facilitate discussions on the guidelines for observer status of non-governmental organizations and on the high-level action plan and performance indicators under the strategic plan of the Authority for the period 2019–2023.



### **III. Appointment and report of the Credentials Committee**

6. At its 179th meeting, the Assembly appointed a Credentials Committee consisting of the following nine members: Brazil, Canada, Czechia, Kenya, Myanmar, the Netherlands, the Russian Federation, Sri Lanka and Togo.

7. The Credentials Committee met on 24 July and elected Sonali Samarasinghe (Sri Lanka) as its Chair. The Committee examined the credentials of representatives participating in the twenty-fifth session of the Assembly.

8. At the 186th meeting, on 26 July, the Chair of the Credentials Committee presented the report of the Committee ([ISBA/25/A/11](#)), which was approved by the Assembly at the same meeting (see [ISBA/25/A/12](#)).

### **IV. Statement by the President of the Council on the work of the Council during the twenty-fifth session**

9. At the 180th meeting, on 22 July, the President of the Council, Lumka Yengeni, made an oral report on the work of the Council during the twenty-fifth session (25 February to 1 March and 15 to 19 July 2019), including but not limited to, approval of a plan of work for exploration for polymetallic nodules by the Beijing Pioneer Hi-Tech Development Corporation, consideration of the draft exploitation regulations and development of standards and guidelines, and the meeting of the open-ended working group on the financial model. Many delegations expressed their appreciation to the President of the Council for her report. The Assembly took note of the report.

### **V. Requests for observer status in the Assembly**

10. At its 179th meeting, the Assembly considered four requests for observer status: from the Advisory Committee on Protection of the Sea ([ISBA/25/A/INF/1](#)), the Institute for Sustainable Development and Research, India ([ISBA/25/A/INF/2](#)), the Ocean Society of India ([ISBA/25/A/INF/3](#)) and Opes Oceani ([ISBA/25/A/INF/4](#)). The Assembly approved the application by the Ocean Society of India and requested the Advisory Committee on Protection of the Sea to provide further information for its consideration. The Assembly decided not to approve the application for observer status from Opes Oceani on the basis that a private company does not qualify for observer status under rule 82 (1) of the rules of procedure of the Assembly. As for the application by the Institute for Sustainable Development and Research, India, owing to the insufficiency of the information provided, the Assembly decided to defer its consideration of the application until its next session.

11. At its 186th meeting, the Assembly approved the application by the Advisory Committee on Protection of the Sea after consideration of further information from the applicant. At the same meeting, based on a proposal submitted by the African Group, the Assembly requested the secretariat to provide a legal opinion, no later than the twenty-sixth session of the Assembly, regarding conflicts of interest in the event that an application for observer status under rule 82 (1) (e) of the rules of procedure of the Assembly is formulated by a person or persons accredited in a delegation of a member of the Authority in the same session in which the application is considered.

12. At its 179th meeting, the secretariat introduced the guidelines for observer status of non-governmental organizations with the Authority ([ISBA/25/A/7](#)). At the suggestion of the Bureau, which was endorsed by the Assembly, informal consultations were conducted among the members of the Authority under facilitation by the delegate of Norway. At the 186th meeting, the delegate of Norway presented

the outcome of the informal consultations, together with a revised version of the draft guidelines and recommended their adoption by the Assembly. Considering that the revised text, which resulted from informal consultations, had been extensively worked upon by the members of the Assembly and reflected the consensus reached, the Assembly did not introduce any further amendments to the revised text and adopted a decision to approve the guidelines for observer status of non-governmental organizations with the Authority ([ISBA/25/A/16](#)).

## **VI. Election to fill a vacancy on the Finance Committee**

13. At the 179th meeting, in accordance with section 9, paragraph 5, 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 elected Nyan Lin Aung (Myanmar) as a member of the Finance Committee for the remainder of the term, ending on 31 December 2021, of Ye Minn Thein (Myanmar), who had resigned in February 2019 (see [ISBA/25/A/3](#)).

## **VII. Annual report of the Secretary-General**

14. At the 181st meeting, on 23 July, the Secretary-General presented his report ([ISBA/25/A/2](#)) to the Assembly, as required under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea. He provided an overview of the Authority's work since its twenty-fourth session and outlined the progress that had been made in the implementation of the Authority's work programme. He encouraged members of the Authority that had not yet done so to accede to the Protocol on the Privileges and Immunities of the Authority, and to deposit charts and lists for the delineation of the limits of national jurisdiction in accordance with article 84, paragraph 2 of the Convention. The Secretary-General urged members of the Authority, in particular, members whose contribution were two years in arrears, to pay their contribution in full and in a timely manner. He expressed his gratitude to those who had made contributions to the voluntary trust funds maintained by the Authority. He highlighted two contributions made by the Government of Germany (\$25,000) and the Government of the Netherlands (\$50,000) to the Voluntary Trust Fund for the members of the Legal and Technical Commission and the Finance Committee, since the relevant information had been omitted from his annual report. He urged members, observers of the Authority and other stakeholders to make voluntary contributions to those funds. The Secretary-General also highlighted the progress made in respect of communications and outreach, implementation of the data management strategy, workshops to facilitate the development and review of regional environmental management plans, implementation of the Authority's voluntary commitments registered at the 2017 United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development to support the implementation of the Sustainable Development Goals, relations with the United Nations and other relevant international organizations and agencies, as well as the Authority's participation in global and regional conferences, including the intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

15. At its 181st and 182nd meetings, on the same day, the Assembly considered the annual report of the Secretary-General. The Assembly was also invited to consider a submission by the African Group on the training programmes for developing countries ([ISBA/25/A/8](#)). As the host State, Jamaica welcomed the delegations and

highlighted that broad and active participation in the work of the Authority gives legitimacy to the decisions taken by the Authority on behalf of all humankind. Statements were made under this item by the delegations of Algeria (on behalf of the African group), Australia (on behalf of Canada, Australia and New Zealand), Brazil (on behalf of the Latin American and Caribbean Group), Cameroon, Chile, China, Costa Rica, Côte d'Ivoire, Czechia, the Gambia, India, Italy, Japan, the Federated States of Micronesia, Monaco, Myanmar, Nauru (on behalf of members of the Pacific Islands Forum present at the meeting), Nigeria, the Philippines, the Republic of Korea, Romania, the Russian Federation, Singapore, Sri Lanka, Togo, Tonga and Viet Nam. Statements were also made by the observer delegations of the Centre for Polar and Deep Ocean Development of Shanghai Jiao Tong University, the Deep-Ocean Stewardship Initiative, the Deep Sea Conservation Coalition, Greenpeace International, the Holy See and the Pacific Community. Many delegations expressed their appreciation to the Minister for Foreign Affairs and Foreign Trade of Jamaica, Kamina Johnson Smith, for presiding over the Assembly, in particular on the occasion of the twenty-fifth anniversary of the Authority.

16. Most delegations thanked the Secretary-General for his comprehensive report and commended the commitment, dedication and hard work of the staff of this small but active secretariat. Many delegations welcomed the improved gender balance of the secretariat staff composition and noted with appreciation that the Presidents of the Assembly and the Council and the Chair of the Legal and Technical Commission were all women during the twenty-fifth session of the Authority.

17. A number of delegations welcomed the progress made in respect of the draft exploitation regulations, expressed their appreciation to the Commission for its hard work and called for priority to continue to be given to the development of exploitation regulations. Many delegations emphasized that the quality of the draft exploitation regulations and the accompanying standards and guidelines should be prioritized over self-imposed deadlines. Many delegations, including the African Group, highlighted the necessity of the realization of the principle of the common heritage of mankind in the regulatory framework and emphasized the balance to be achieved between the sound commercial exploitation of the mineral resources in the Area on one hand and the protection of the marine environment and the sustainability and health of the ocean on the other, including implementation of the precautionary approach, best environmental practices and the provision of detailed information for environmental impact assessments. A few delegations stressed the need for "reasonable regard" for other activities in the marine environment, including fishing and the laying of submarine cables. Several delegations called for a fair and practical payment mechanism and equitable benefit-sharing regime. A few delegations also highlighted the need to consider adverse effects on the economies of developing land-mining countries.

18. Many delegations called for a comprehensive environmental policy and welcomed a series of planned workshops in relation to the development and review of the regional environmental management plans. Some delegations reaffirmed that such plans must be in place before mining activities commence. Several delegations noted that regional environmental management plans are not legal instruments but rather instruments of environmental policy and that the manner in which the plans should be dealt with under the draft exploitation regulations remains a question for the Authority. One delegation proposed to include experts from the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection, the Intergovernmental Panel on Climate Change and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services.

19. A number of delegations commended the progress made in respect of capacity-building and training programmes for developing countries. Many delegations

reaffirmed that capacity-building lies at the core of developing countries' ability to participate in the activities in the Area and welcomed the submission of the African Group on training programmes for the developing countries (ISBA/25/A/8). Some delegations expressed their appreciation to the contractors training programme and to the training programmes funded by the Endowment Fund for Marine Scientific Research in the Area and called for further improvements in gender balance and earlier notification of training opportunities. A few delegations called for a systematic evaluation process of the contractors training programme. Some delegations welcomed the progress in the implementation of the Africa Deep Seabed Resources project and the Abyssal Initiative for Blue Growth project, both of which contain specific capacity-building objectives and expected outputs. Some delegations suggested that more marine scientific research training and technical capacity-building programmes be developed for professionals from developing countries. Some delegations also encouraged the secretariat to conduct more regional targeted training and informational workshops. A few delegations suggested improving the geographical diversity of the internship programme and called for financial donations to the programme. Several delegations voiced their support to the United Nations Volunteer and Junior Professional Officer programmes as good and practical methods of capacity-building by exposing young professionals to the work of the Authority.

20. Many delegations noted with appreciation the continued efforts by the secretariat to enhance the transparency of the work of the Authority, including the establishment of the communications unit, the launch of the deep seabed database, the development of a new website, live streaming of the meetings of the Council and the Assembly, public consultations conducted for the draft exploitation regulations and for the high-level action plan of the Authority, and the report of the Secretary-General on implementation of the decision of the Council regarding the priorities and work programme of the Legal and Technical Commission. Some delegations encouraged the secretariat to further improve transparency in planning regional environmental management plan workshops and in the work of the contractors by publicizing the non-confidential parts of the work plan under the exploration contracts and of the annual reports submitted by contractors.

21. Many delegations welcomed the efforts of the secretariat to strengthen cooperation, collaboration and partnership between the Authority and other relevant international organizations. The progress in the fulfilment of the Authority's voluntary commitments registered at the United Nations Conference to Support the Implementation of Sustainable Development Goal 14 was also commended. The Authority was encouraged to actively engage in the second such conference, to be held in Lisbon in 2020, and play an active role in the United Nations Decade of Ocean Science for Sustainable Development.

22. A number of delegations noted with appreciation the Authority's participation in global and regional conferences, in particular the intergovernmental conference for negotiations on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. Some delegation emphasized that the mandate of the Authority should not be undermined by the negotiations and encouraged the Authority to continue its engagement in the forthcoming intergovernmental conferences for such negotiations. A few delegations suggested that the pillar on environmental impact assessments in the negotiations should be considered in future discussions of the Council of the Authority over the draft exploitation regulations.

23. A number of delegations expressed serious concerns over some members' contribution in arrears to the budget of the Authority and the resulting impact on the balance of the Working Capital Fund and urged those members to make contributions

in full and in a timely manner. Many delegations expressed their appreciation to those who made contributions to the voluntary trust funds maintained by the Authority and encouraged stakeholders to make further contributions to those funds. Several delegations requested the secretariat to be more innovative in securing funding to support adequate and meaningful participation by developing countries in the meetings, workshops and other activities of the Authority.

24. Some delegations called upon the members who had not yet done so to deposit a copy of the charts or lists of geographical coordinates with the Secretary-General of the Authority in accordance with article 84, paragraph 2, of the Convention. Some delegations welcomed the efforts of the Authority in promoting and encouraging marine scientific research. Some delegations welcomed the secretariat's comparative studies of national legislation in respect of activities in the Area. Some delegations urged the Authority to expedite actions leading to the operationalization of the Enterprise, as an important manifestation of the principle of the common heritage of mankind.

## **VIII. Implementation of the strategic plan of the Authority for the period 2019–2023**

25. At the 180th meeting, the Secretary-General introduced the draft high-level action plan of the Authority for the period 2019–2023 ([ISBA/25/A/L.2](#)), supplemented by the draft performance indicators to assess the performance of the Authority towards implementing the strategic directions set out in the strategic plan of the Authority ([ISBA/25/A/5](#)) and a draft decision relating to the implementation of the strategic plan ([ISBA/25/A/6](#), annex). Recalling that the high-level action plan aimed at implementing the strategic plan of the Authority for the period 2019–2020 ([ISBA/24/A/10](#)), the Secretary-General also highlighted that a business plan for the secretariat would be further developed to provide a link between the strategic plan and the results-based budget of the Authority.

26. At its 183rd and 184th meetings, on 24 July, the Assembly resumed its consideration of this agenda item. Several delegations welcomed the efforts of the secretariat in developing the draft high-level action plan and performance indicators, including public consultation for that purpose. Some delegations stressed that these elements should be kept under review to ensure monitoring implementation of the strategic plan in the most efficient manner. The Assembly adopted the high-level action plan and performance indicators at its 184th meeting (see [ISBA/25/A/15](#)).

## **IX. Report of the Finance Committee**

27. At its 184th meeting, the Assembly considered the report of the Finance Committee ([ISBA/25/A/10-ISBA/25/C/31](#)) presented by the Chair of the Finance Committee, Andrzej Przybycin (Poland). Taking into account the recommendations of the Council, the Assembly adopted a decision relating to financial and budgetary matters at the same meeting ([ISBA/25/A/14](#)).

## **X. Promoting international cooperation concerning activities in the Area**

28. At the 186th meeting, the President introduced the draft memorandum of understanding between the Authority and the Chinese Ministry of Natural Resources on the establishment of a joint training and research centre ([ISBA/25/A/4](#)). She drew

attention to the statements contained in the memorandum of understanding that the memorandum would not create legally binding obligations for the members and did not pose financial implications for the Authority and its members and that the draft memorandum would promote international cooperation concerning activities in the Area by facilitating the implementation of parts XIII and XIV of the Convention. The Chinese delegation highlighted that the proposed joint training and research centre would promote capacity-building and the transfer of marine technology and marine scientific research and thus contribute to the implementation of the principle of the common heritage of mankind. The Asia-Pacific Group (represented by the Republic of Korea) and other members welcomed the proposed establishment of the centre and voiced their support for the endorsement of the memorandum of understanding. At the same meeting, the Assembly endorsed the text of the memorandum and recommended its conclusion by authorizing the Secretary-General to sign the memorandum on behalf of the Authority.

## **XI. Commemoration of the twenty-fifth anniversary of the International Seabed Authority**

29. On 25 July, the Assembly held a one-day special commemorative event to celebrate the twenty-fifth anniversary of the entry into force of the United Nations Convention on the Law of the Sea and the establishment of the Authority.

30. The event included three segments. The first two segments were allocated to, respectively, the presentation ceremony for the 2019 edition of the Secretary-General's Award for Excellence in Deep-Sea Research and a high-level panel discussion on strengthening capacity-building opportunities and initiatives for developing States. The third segment (the 185th meeting of the Assembly) was dedicated to the formal ceremony of the commemoration of the twenty-fifth anniversary of the Authority.

### **2019 Secretary-General's Award for Excellence in Deep-Sea Research**

31. The Secretary-General presented the 2019 Secretary-General's Award for Excellence in Deep-Sea Research to Dr. Maurício Shimakbukuro from the Institute of Oceanography, University of São Paulo, Brazil. The Secretary-General expressed his gratitude to the Government of Monaco for the financial support provided for the Award.

### **High-level panel discussion on strengthening capacity-building opportunities and initiatives for developing States**

32. Chaired by the President of Nauru, Baron Waqa, the panel also comprised Jens Frølich Holte (State Secretary, Ministry of Foreign Affairs, Norway), Carlos Den Hartog (Permanent Representative of Brazil to the Authority), Rena Lee (Ambassador for Oceans and Laws of the Sea Issues, Special Envoy of the Minister for Foreign Affairs of Singapore), Satyendra Prasad (Permanent Representative of Fiji to the United Nations) and Sonali Samarasinghe (Minister Counsellor, Permanent Mission of Sri Lanka to the United Nations).

33. The discussions were centred on the following three key questions: what do developing States need in terms of capacity-building and how can the Authority best engage with them in identifying these needs? How does the Authority meet the needs of developing States? What has worked well so far and what has been the impact?

34. The Secretary-General informed all delegations that the main elements raised by the panellists and the floor would be collated in a report and made publicly

available. The Secretary-General also indicated that that report, together with additional elements resulting from an in-depth analysis of the capacity-building opportunities currently implemented by the Authority, will be taken into consideration for the preparation and design of a workshop to be organized in Kingston in early 2020, to enable developing countries to identify their own capacity-building needs.

### **Official commemoration of the twenty-fifth anniversary**

35. The official commemoration of the twenty-fifth anniversary of the Authority started with a statement by the Prime Minister of Jamaica, Andrew Holness. Prime Minister Holness highlighted the Authority's achievements since its establishment and emphasized that this progressive organization, entrusted with the management and preservation of the common heritage of humankind, should be congratulated for effectively undertaking the orderly, safe and responsible administration and development of the resources of the deep seabed.

36. In his address, the Secretary-General of the Authority highlighted that the past 25 years had provided the Authority with a solid foundation on which to build for the future, while demonstrating what could be accomplished collectively to instil in the next generation that same sense of wonder and respect for the ideals embodied in the Convention.

37. In their statements, Miguel de Serpa Soares (Under-Secretary-General for Legal Affairs and Legal Counsel of the United Nations), Liu Zhenmin (Under-Secretary-General for Economic and Social Affairs of the United Nations and Conference Secretary-General of the United Nations Conference to Support the Implementation of Sustainable Development Goal 14 to be held in 2020) and Jin-Hyun Paik (President of the International Tribunal for the Law of the Sea) echoed the congratulations to the Authority on its twenty-fifth anniversary and pledged their commitment to support the work of the Authority in the years ahead. A video message was delivered by Tommy T. B. Koh (Singapore), Ambassador-at-Large, President of the Third United Nations Conference on the Law of the Sea (1980–1982).

38. Also present were Nii Odunton, former Secretary-General of the Authority and Judge Albert J. Hoffmann, President of the Seabed Disputes Chamber, International Tribunal for the Law of the Sea.

39. Following the statements by the five regional groups, representatives of 40 members made statements at the special meeting: Algeria, Argentina, Australia, Bahamas, Canada, Chile, China, Costa Rica, European Union, Fiji, France, Germany, Guyana, Hungary, India, Indonesia, Italy, Japan, Kenya, Kiribati, Mexico, Micronesia (Federated States of), Monaco, Myanmar, Nauru, Nepal, Netherlands, New Zealand, Nigeria, Norway, Philippines, Russian Federation, South Africa, Sri Lanka, Togo, Tonga, Trinidad and Tobago, Tuvalu, United Kingdom of Great Britain and Northern Ireland and Viet Nam. Statements were also made by eight observer delegations: Deep-Ocean Stewardship Initiative, Deep Sea Conservation Coalition, Greenpeace International, Holy See, Intergovernmental Oceanographic Commission, International Oil Pollution Compensation Funds, International Union for Conservation of Nature and International Marine Minerals Society.

### **Other commemorative activities**

40. On the margins of the meetings held on 25 July and as a part of the commemorative activities, the secretariat launched the Authority's deep seabed and ocean database, which aims to serve as the principal repository of all deep-seabed related data collected in the Area, the Secretary-General underlined that the launch of the database is one of the most important milestones of the Authority's history.



41. The day's activities culminated with a gala reception hosted by the Ministry for Foreign Affairs and Foreign Trade of Jamaica.

42. In commemoration of the twenty-fifth anniversary celebrations, the Ministry for Foreign Affairs and Foreign Trade of Jamaica also hosted an inaugural biennial lecture on 23 July, on the margins of the meetings of the Assembly. The lecture was delivered by Stephen Vasciannie, President of the University of Technology, Jamaica, on the theme of "The Role of the Montego Bay Convention and the International Seabed Authority in contributing to the international rule of law".

## **XII. Other matters**

43. At its 186th meeting, the Assembly considered an amendment to the staff regulations of the Authority ([ISBA/25/A/9-ISBA/25/C/28](#)) and, based on the recommendation of the Council, adopted a decision to approve the amendment ([ISBA/25/A/13](#)).

## **XIII. Dates of the next session of the Assembly**

44. The next session of the Assembly will be held from 27 to 31 July 2020. It will be the turn of the Group of Western European and Other States to nominate a candidate for the presidency of the Assembly at its twenty-sixth session.

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