



PARTICIPATION OF MEMBER STATES IN MEETINGS OF ISA ORGANS

1. Background

The United Nations Convention on the Law of the Sea (UNCLOS) and Agreement relating to the implementation of Part XI of UNCLOS (1994 Agreement) entrusts the International Seabed Authority (ISA) with the organization and control of all mineral-related activities in the seabed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction (the Area) for the benefit of humankind as a whole.

In accordance with Article 156(2) of UNCLOS, all States Parties to UNCLOS are ipso facto Members of ISA. As of June 2024, ISA is comprised of 169 Members (168 Member States and the European Union).

Since it came into existence on 16 November 1994, the context within which ISA operates has been changing rapidly as its regulatory role evolves. An increasing number of Member States are now engaging more actively in the work of ISA, including in the meetings of its principal organs.

This policy brief focuses on the participation of ISA Member States in the meetings of the Assembly and the Council. Specifically, it addresses the involvement of developing States, with an emphasis on least developing countries (LDCs), landlocked developing countries (LLDCs) and small island developing States, referred to as Big Ocean States (BOS). The analysis in this document is based on attendance records from meetings of the ISA organs held between 1994 and 2023.

2. Attendance of ISA Member States in the meetings of the Assembly

The Assembly is the plenary body of ISA consisting of all its Members. According to UNCLOS, the Assembly is the supreme organ of ISA to which all the others are accountable.

The functions of the Assembly can be divided into two broad categories. On the one hand, the Assembly has the power to establish general policies in conformity with the relevant provisions of UNCLOS and the 1994 Agreement. On the other hand, it has specific functions that include the election of the members of the Council and other bodies, as well as the Secretary-General, the approval of the two-year budget of ISA and the scale by which Members contribute towards the budget, the approval, following adoption by the Council, of the rules, regulations and procedures that ISA may establish from time to time governing prospecting, exploration and exploitation in the Area and the analysis of reports from other bodies, notably the annual report of the Secretary-General on the work of ISA.

UNCLOS also assigns several other powers to the Assembly, which will come into play if and when deep-sea mineral exploitation starts. These include decisions on the equitable sharing of financial and other economic benefits deriving from activities in the Area and on compensation or other economic adjustments to developing countries whose export earnings from their land-based mineral extraction are diminished by seabed production (Figure 1).

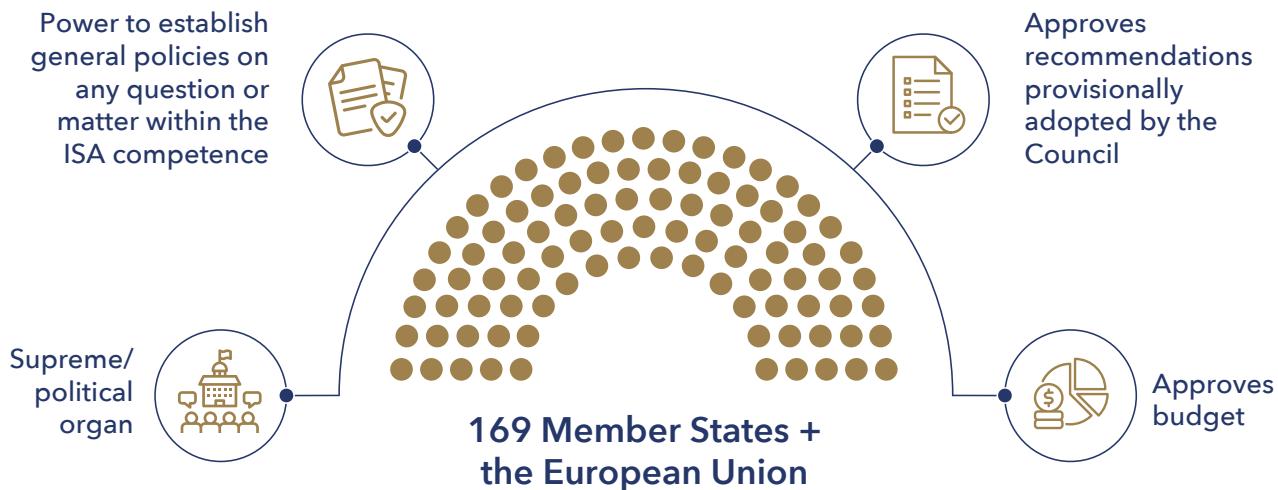


Figure 1. The ISA Assembly

In 30 years since its first meeting in 1994, the Assembly adopted several landmark decisions, including the adoption of the Agreement concerning the relationship between the United Nations and ISA (ISBA/3/A/3), the Protocol on the Privileges and Immunities of ISA (ISBA/4/A/8), the ISA Strategic plan for the period 2019-2025 (ISBA/24/A/10) and the related ISA High-Level Action Plan for the period 2019-2025 (ISBA/25/A/15), the Action plan in support of the United Nations Decade of Ocean Science for Sustainable Development, as well as the first ever Capacity development strategy (ISBA/27/A/11) and the terms of reference of the ISA Partnership Fund (ISBA/27/A/8-ISBA/27/C/36).

The Assembly meets in regular annual sessions of varying lengths, in line with the principle of

cost-effectiveness established under the 1994 Agreement. As of June 2024, the Assembly held 29 regular sessions with an average of 3.6-days duration for a total of 214 meetings.

Data shows that the participation of ISA Members in the Assembly has often stood at or above 48 per cent. Many Member States were in attendance during the key moments of ISA's existence. Significantly, developing States have always been the largest group participating in the annual sessions of the Assembly, representing an average of 65 per cent of all Member States in attendance (Figure 2).

The steady commitment of developing countries to the work of the Assembly is further confirmed by the fact that 10 out of the

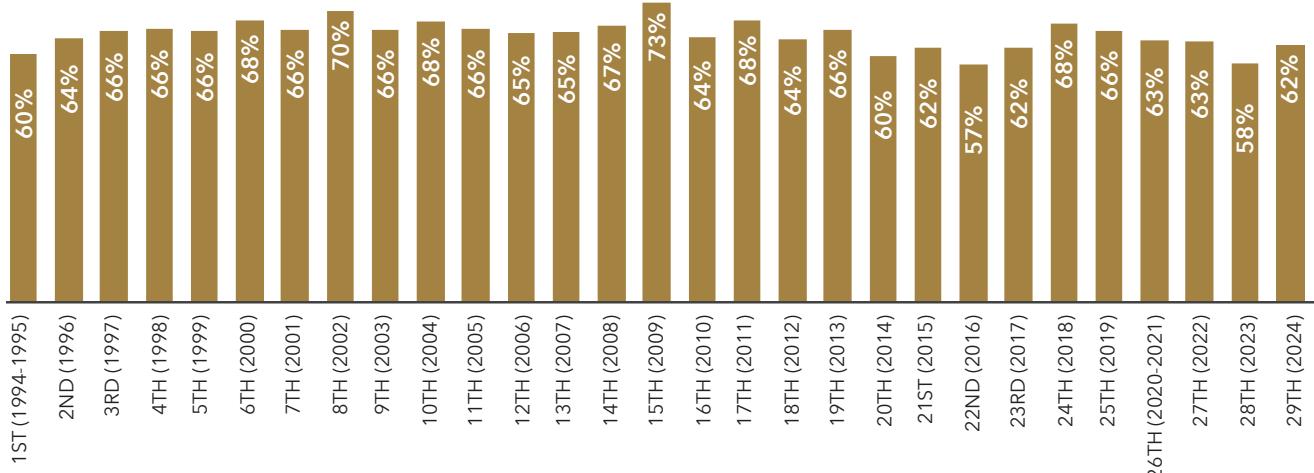


Figure 2. Attendance of developing Member States in ISA Assembly annual sessions (1994-2024)

17 Member States that have attended all 28 sessions are developing countries (Figure 3).

Many Member States that are unable to attend the session of the Assembly follow the work of ISA through the information annually

presented by the Secretary-General to the Meeting of States Parties to UNCLOS in New York. The Secretary-General also provides a detailed annual report to the Assembly as per Article 166(4) of UNCLOS.

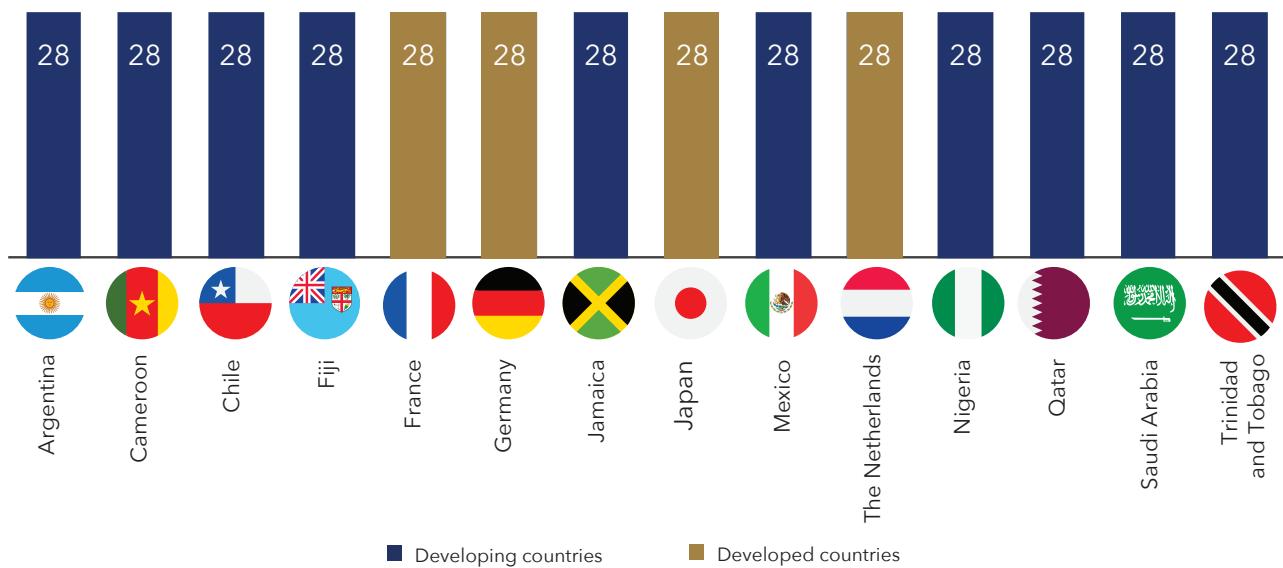


Figure 3. ISA Member States that attended all sessions of the Assembly

3. Attendance of ISA Member States in the meetings of the Council

The Council is the executive body of ISA (Figure 4).

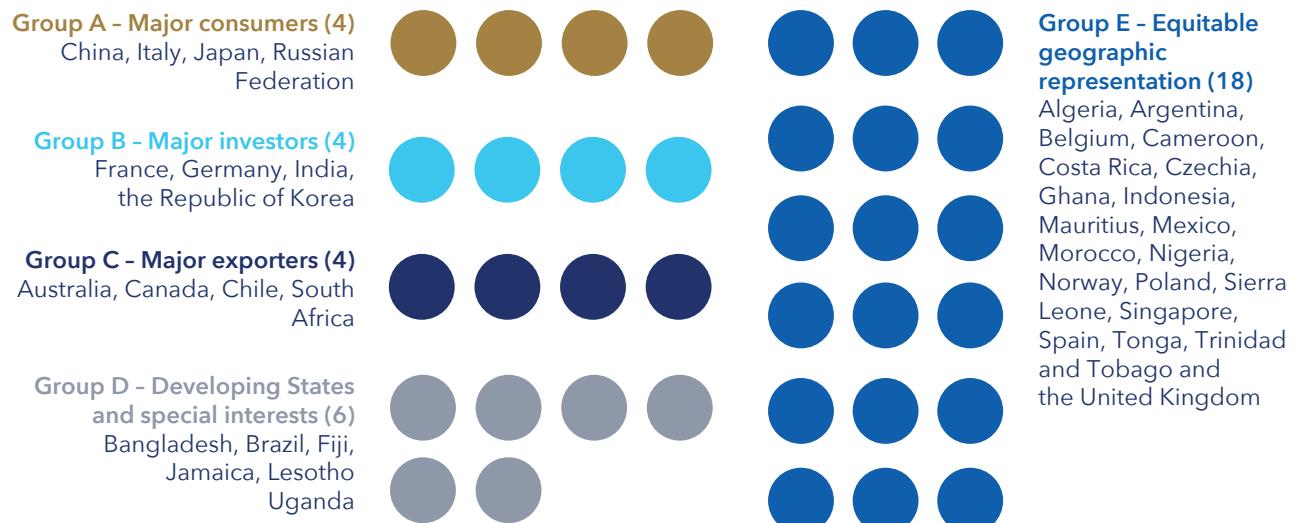


Figure 4. The ISA Council

In accordance with paragraph 15 of section 3 of the annex to the 1994 Agreement, the Council consists of 36 members elected from

five groups of States Parties representing different interests and ensuring an equitable geographical distribution (Box 1).

Box 1. Election procedure and allocation of seats for Members of the ISA Council

Members of the Council are elected by the Assembly in the following order:

- Four members from among those States Parties which, during the last five years for which statistics are available, have either consumed more than 2 per cent in value terms of total world consumption or have had net imports of more than 2 per cent in value terms of total world imports of the commodities produced from the categories of minerals to be derived from the Area, provided that the four members shall include one State from the Eastern European region having the largest economy in that region in terms of gross domestic product and the State, on the date of entry into force of UNCLOS, having the largest economy in terms of gross domestic product, if such States wish to be represented in this group;
- Four members from among the eight States Parties which have made the largest investments in preparation for and in the conduct of activities in the Area, either directly or through their nationals;
- Four members from among States Parties which, on the basis of production in areas under their jurisdiction, are major net exporters of the categories of minerals to be derived from the Area, including at least two developing States whose exports of such minerals have a substantial bearing upon their economies;
- Six members from among developing States Parties, representing special interests. The special interests to be represented shall include those of States with large populations, States which are landlocked or geographically disadvantaged, island States, States which are major importers of the categories of minerals to be derived from the Area, States which are potential producers for such minerals and least developed States;
- 18 members elected according to the principle of ensuring an equitable geographical distribution of seats in the Council as a whole, provided that each geographical region shall have at least one member elected under this subparagraph. For this purpose, the geographical regions shall be Africa, Asia-Pacific, Eastern Europe, Latin America and the Caribbean and Western Europe and Others.

Before proceeding to the election, the Secretariat provides the Assembly with a list of countries possessing the eligibility requirements for the first four groups.

With a view to ensuring an equitable geographical distribution of seats at the Council, the agreed allocation of seat is ten to the African Group, nine seats to the Asian Group, eight seats to the Western European and Others Group, seven seats to the Latin American and Caribbean Group and three seats to the Eastern European Group. Since the total number of seats allocated according to that formula is 37, in 1996 Member States agreed that each regional group, other than the Eastern European Group, will relinquish a seat in rotation. The regional group which relinquishes a seat will have the right to designate a member of that group to participate in the deliberations of the Council without the right to vote during the period the regional group relinquishes the seat (ISBA/A/L.8).

Quite uniquely in the landscape of international organizations, in line with the Rules of Procedure of the Council (ISBA/C/12), Members of ISA that are not represented on the Council are entitled to participate in its sessions. This allows all Member States to participate in the discussion, *inter alia*, of the draft regulations for the exploitation of mineral resources of the Area, which are held in informal plenary open to all.

In addition to the power to establish specific policies to be pursued by ISA in conformity with UNCLOS and the general policies established by the Assembly, the Council is tasked to adopt the rules, regulations and procedures relating to the prospection, exploration and exploitation of the mineral resources of the Area, to approve plans of work for exploration and exploitation in the form of contract, to exercise control over activities in the Area and supervise and coordinate implementation of the provisions of UNCLOS relating to the Area, to propose

to the Assembly a list of candidates for the election of the Secretary-General and to recommend to the Assembly candidates for the election of the members of the governing board of the Enterprise and the Director-General of the Enterprise.

As of today, the most relevant decisions of the Council include the approval of the regulations on prospecting and exploration for polymetallic nodules (ISBA/19/C/17), polymetallic sulphides (ISBA/16/A/12/Rev.1) and cobalt-rich ferromanganese crusts (ISBA/18/A/11) in the Area, the adoption of 31 plans of work for exploration for mineral resources in the Area with 22 different contractors including eight extensions of contracts for polymetallic nodules, the adoption of the first regional environmental management plan for the Clarion-Clipperton Zone (ISBA/18/C/22) and the establishment of the position of an interim Director-General of the Enterprise (ISBA/28/C/10).

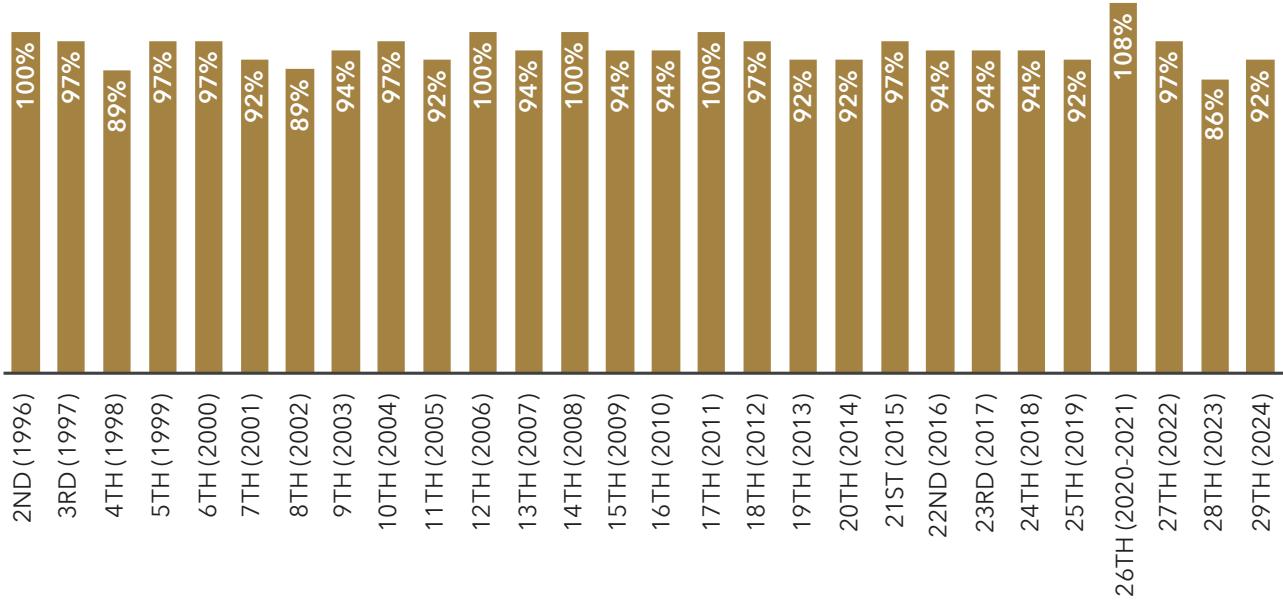


Figure 5: ISA Member States' attendance to Council sessions (1996 -2024)

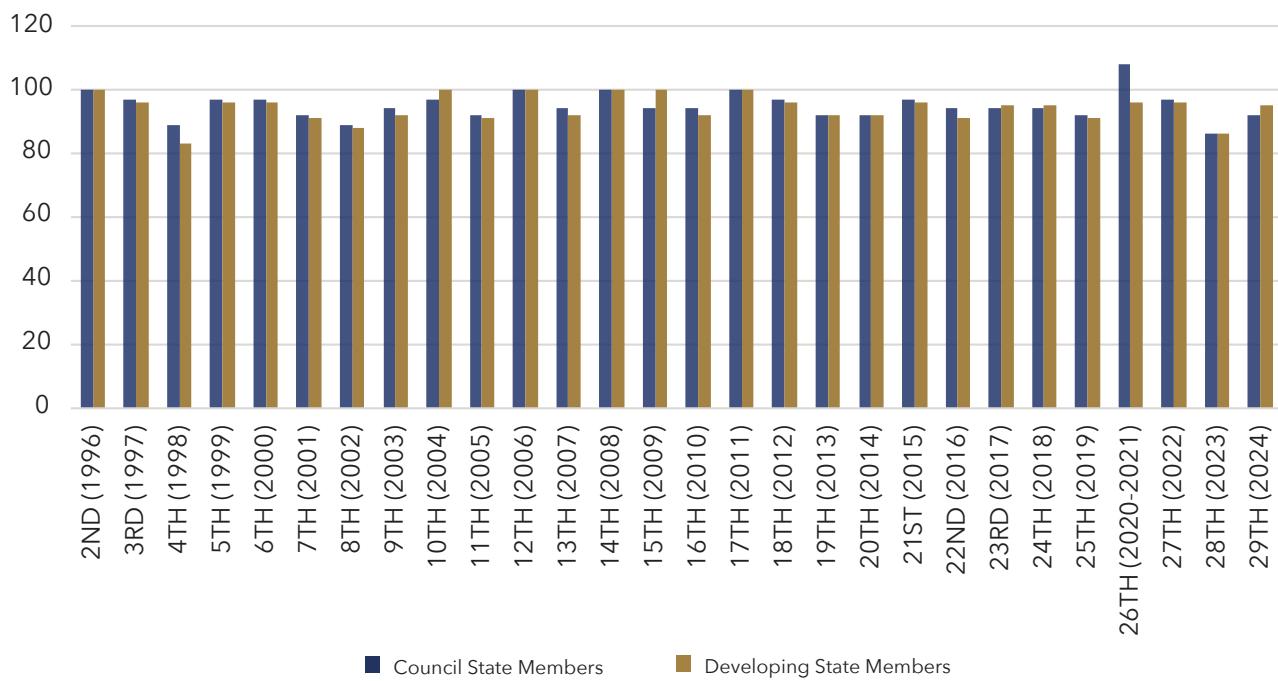


Figure 6: Attendance of ISA Council session by Council Members including Council developing State Member (1996 - 2024)

Strategic Direction 6 of the ISA Strategic Plan 2019-2025 recognizes the importance of increasing the participation of developing States in the work of ISA. Since the adoption of the Strategic Plan in 2018, 93 per cent of elected LDCs attended Council sessions. This was made possible by the 2018 decision of the Assembly to create a voluntary trust fund for the purpose of defraying the cost of participation of developing State Members of the Council ([ISBA/24/A/11](#)). So far, 14 countries have benefited from the fund, with the majority being LDCs.

4. Participation of LDCs in the meetings of ISA organs

UNCLOS does not provide a definition of the term "least developed country." The difference between this group of countries and other developing countries is based on a United Nations classification, which considers three criteria: per capita income, a human assets index and an economic and environmental vulnerability index. A

country qualifies for the list if it meets the thresholds on all three criteria and does not have a population greater than 75 million. A country can only be added to the list if its government accepts LDC status. The list of LDCs is reviewed every three years by the Committee for Development Policy, a group of independent experts that report to the Economic and Social Council of the United Nations. As of 2024, 46 countries are designated by the United Nations as LDCs. Eight of them, mainly LLDCs, have not become parties to UNCLOS so far (Figure 7). Even though LDCs represent some of the poorest and the most vulnerable segments of the international community, their attendance rate at the Assembly has often been above the average.

The participation of LDCs elected to the Council is also notable, with an attendance rate of 88 per cent. Interestingly, LDCs achieved 100 per cent attendance in 16 out of the 29 sessions. Their participation never fell below 50 per cent (Figure 8).

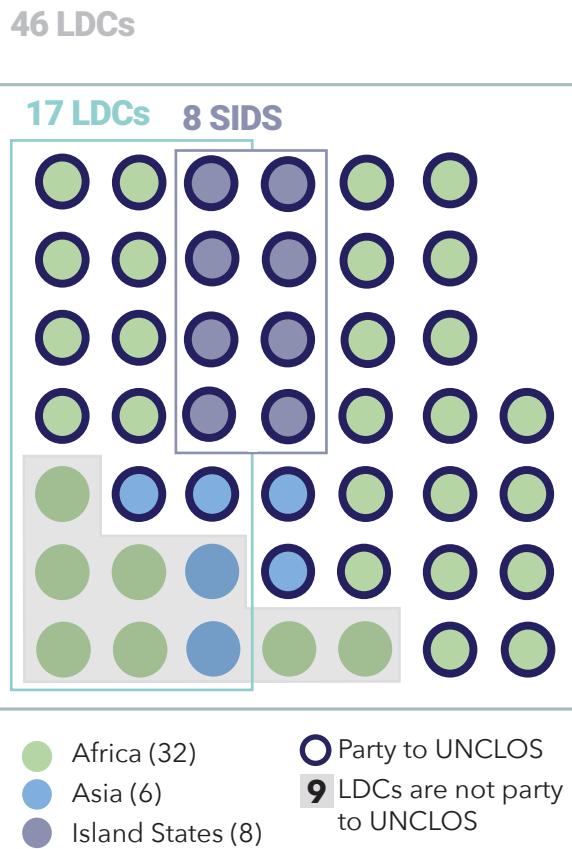


Figure 7. Status of LDCs regarding UNCLOS membership as of 2024

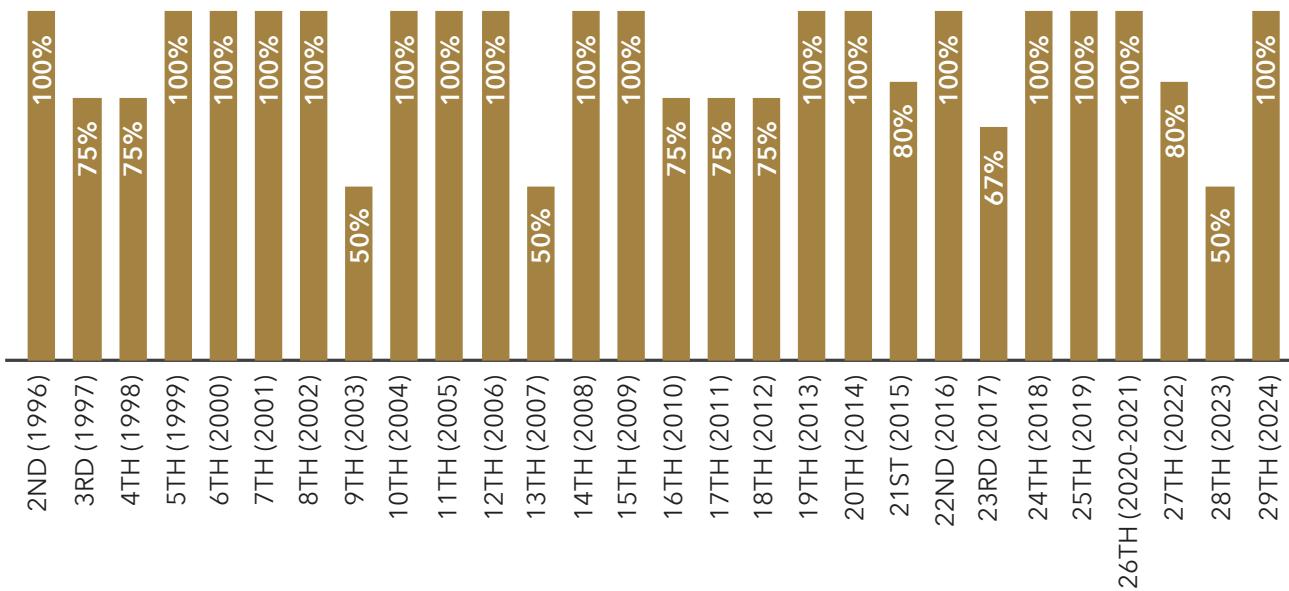


Figure 8: Attendance of LDCs in ISA Council session (1996-2024)

5. Participation of LLDCs in the meetings of ISA organs

UNCLOS, Article 124(1)(a) defines the landlocked States as "States which have no sea-coast." It is noteworthy that 32 out of 43 landlocked States are developing countries. All the landlocked States in Africa, Asia and South America, as well as four in Central and Eastern Europe, belong to this group. The geographical location of landlocked States places them at a severe disadvantage compared to coastal States. The adoption of UNCLOS in its entirety constituted a major step forward in the attempt to remedy, at least to some degree, this unfavourable situation for LLDCs. However, of the 43 landlocked countries with United Nations membership, only 29 have become parties to UNCLOS (Figure 9).

Since the establishment of ISA, the average attendance of LLDCs in the Assembly stands at 28 per cent. Since 2018, their participation has risen to an average of 35 per cent. In 2020, half of the ISA LLDCs Member States attended the Assembly.

No LLDC was elected to the Council from 2001 to 2012. In 2013, a seat was allocated again to LLDCs, and they have resumed their participation in most meetings (Figure 10).

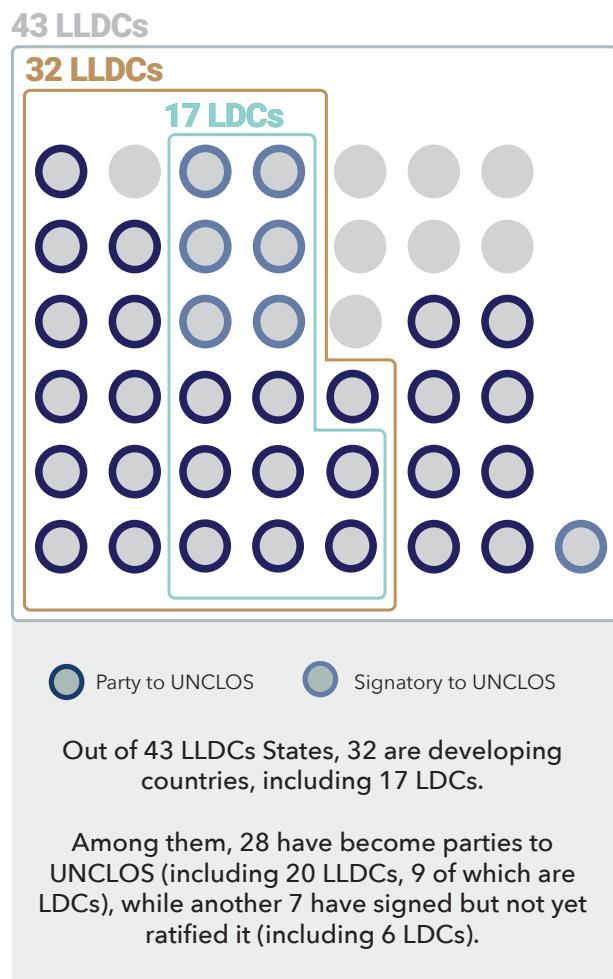


Figure 9. UNCLOS and United Nations membership status of LLDCs

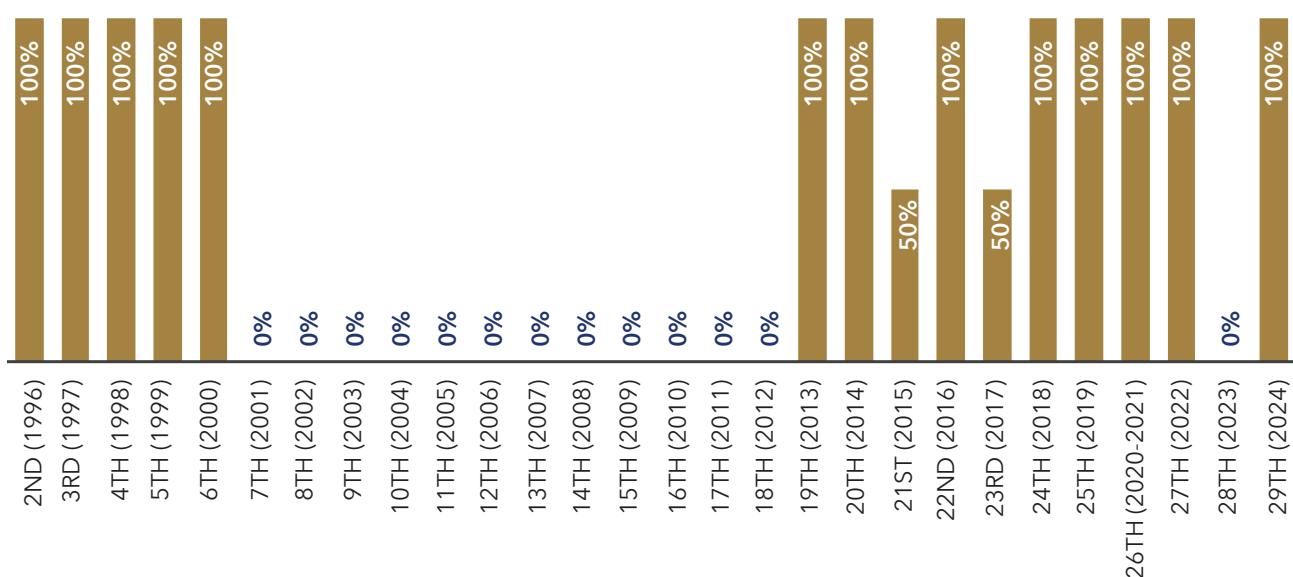


Figure 10. LLDCs representation in ISA Council (1996-2024)

6. Participation of BOS in the meetings of the ISA principal organs

UNCLOS does not provide any definition of the term “small island developing States” either, although these countries, also referred to as BOSs, actively contributed to its development. Lacking a widely accepted definition of BOSs, membership in this group is by self-identification; thus, the BOSs also include two small continental States. BOSs are located in the Caribbean and the Pacific, Atlantic and Indian Oceans. All BOSs members of the United Nations are parties to UNCLOS and, therefore, also Member States of ISA.

Overall, since the establishment of ISA, the average attendance of BOSs at the meetings of the Assembly is above 30 per cent. In the last five years, their attendance rate considerably improved rising to 36 per cent.

Statistics for Pacific BOSs during the same period are even more encouraging. From 2015, the average rate of participation of Pacific BOSs in the Assembly is at the rate of 46 per cent. Their attendance reached a peak of 57 per cent during the occasion of the 25th anniversary: 22-26 July 2019.

The participation of BOSs in the meetings of the Council is the highest among all the groups under scrutiny, averaging 96 per cent (Figure 11).

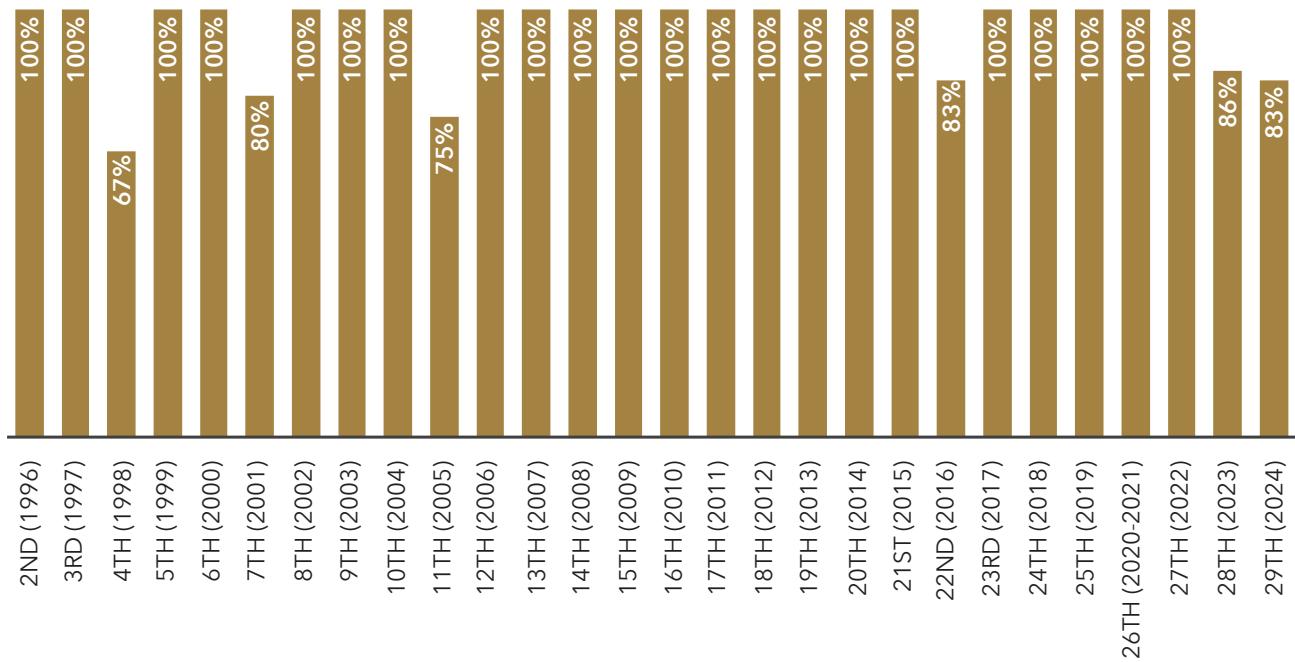


Figure 11. Participation of BOSs in ISA Council sessions (1996-2024)

7. Participation of experts from LDC, LLDCs and BOS in the work of ISA subsidiary bodies

The LTC is the subsidiary organ of the Council. The LTC is made of independent experts selected by the Council for five years from among the candidates nominated by the Member States. They have relevant qualification to the mineral resources, oceanography, protection of the marine environment or economic or legal matters relating to ocean mining and related fields of expertise. In the election of the LTC members, due account is taken of the need for equitable geographical distribution and the representation of special interests.

The LTC is entrusted with various functions relating to activities in the Area, including, inter alia, the review of applications for plans of work, supervision of exploration or exploitation activities (including review of annual reports submitted by contractors), development of environmental management plans, assessment

of the environmental implications of activities in the Area, formulating and keeping under review the rules, regulations and procedures in relation to activities in the Area and making recommendations to the Council on all matters relating to exploration and exploitation of the mineral resources of the Area.

Since 2013, the LTC has held two sessions per year, with its first two-week session held in February/March and its second session in the week immediately prior to ISA's annual sessions in July.

Many experts from developing countries have been elected to the LTC in line with the requisite criterion of equitable geographical distribution. The majority belong to BOS (Barbados, Cuba, the Dominican Republic, Fiji, Jamaica, Singapore, Tonga, Trinidad and Tobago). Several experts from LDCs (Mozambique, Senegal and Togo) have also been part of the LTC, together with an expert from an LLDC (Uganda) (Figure 12).

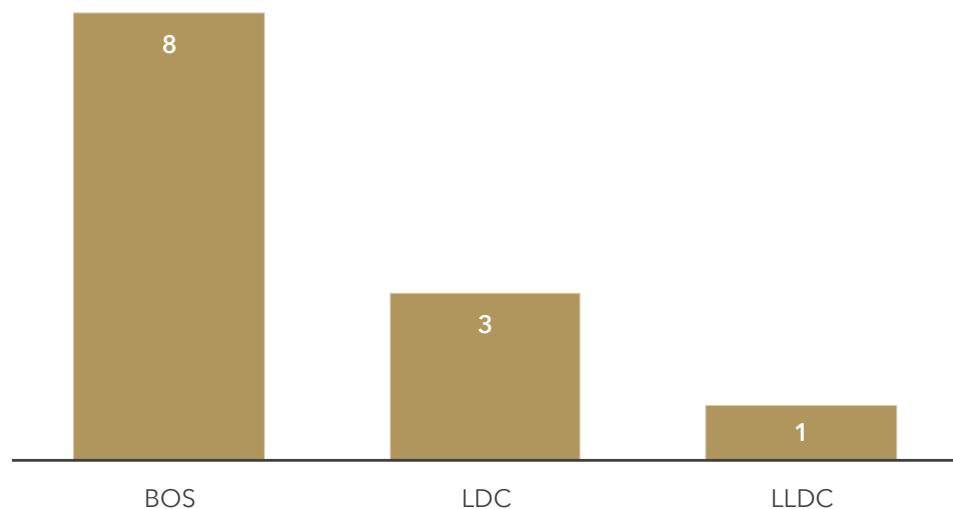


Figure 12. Experts from BOSs, LDCs and LLDCs elected to the LTC (1997-2027)

The Finance Committee (FC) is the subsidiary organ of the Assembly. It was created under Part XI of the 1994 Agreement to oversee the financing and financial management of ISA. The FC consists of 15 members elected by the Assembly for five years, taking into account equitable geographical distribution of regional groups and representation of

special interests. It plays a central role in the administration of ISA's financial and budgetary arrangements.

The members of FC are expected to have qualifications relevant to financial matters. They are involved in making recommendations on financial rules, regulations and procedures

of the organs of ISA, its programme of work and the assessed contributions of its Member States.

The FC meets during the annual session of ISA and submits its report on a budget of ISA to the Assembly.

Among the developing countries elected to the FC, Jamaica was always represented. Experts from LLDCs (Uganda) and LDCs (Bangladesh) have also been part of the FC. During the most recent election in 2022, another BOS expert from Nauru also became part of the FC.

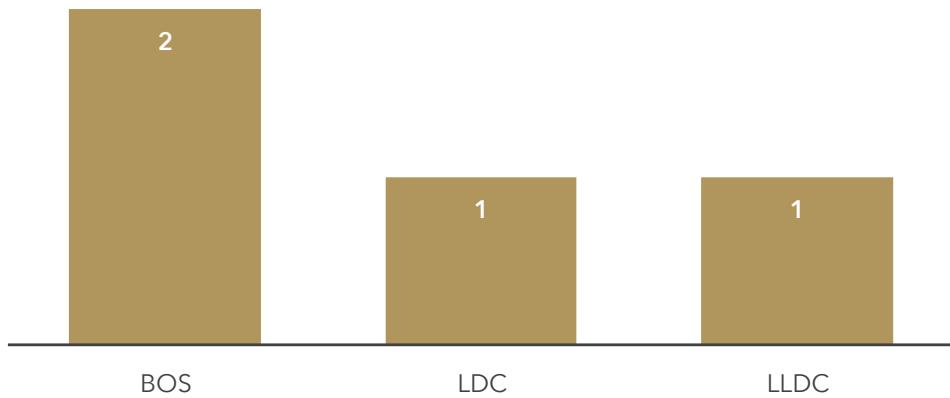


Figure 13. Experts from BOSs, LDCs and LLDCs elected to the FC (1997-2027)

8. Conclusion

Both the Assembly and the Council have been tasked with specific powers and functions whose significance for the sustainable use of minerals resources of the Area is testified by the high attendance of their meetings.

The attendance of the last sessions of the Council to progress the drafting of the regulations for the exploitation of the mineral resources of the Area has been particularly considerable, including by the groups under analysis in this brief.

As ISA is fast building on its regulatory and controlling functions for activities in the Area, this is an indication of Member States commitment to taking a rigorous approach to the implementation of UNCLOS and the 1994 Agreement in good faith and to faithfully supporting its unique and universal mandate in line with the road map established under the 1994 Agreement.



ABOUT THE INTERNATIONAL SEABED AUTHORITY

Made up of 169 Member States, and the European Union, ISA is mandated under the UN Convention on the Law of the Sea to organize, regulate and control all mineral-related activities in the international seabed area for the benefit of humankind as a whole. In so doing, ISA has the duty to ensure the effective protection of the marine environment from harmful effects that may arise from deep seabed related activities.