



# The International Seabed Authority Structure and Functioning



## Secretariat

The staff of the Authority carries out the day-to-day tasks assigned by the Assembly and Council. With a currently authorized strength of 37 (in 2009-2010), the Secretariat is headed by Nii A. Odunton of Ghana who began his four-year term in January 2009.

Secretary-General  
Nii A. Odunton

The Secretariat consists of the Office of the Secretary-General, Office of Legal Affairs, Office of Resources and Environmental Monitoring, and Office of Administration and Management. It has an annual budget of \$6.152 million for 2009 and \$6.364 million for 2010.

The two main technical activities of the Secretariat are the organization of annual workshops on scientific and resource-related topics, and the compilation of a Central Data Repository in which information from contractors and other sources relating to seabed resources and the environment are assembled and disseminated through the Authority's website (<http://www.isa.org.jm>).

## Enterprise

The Enterprise, a unique undertaking for an intergovernmental organization, will be the commercial arm of the Authority, empowered to conduct its own mining, initially through joint ventures with other entities. Until seabed mining becomes a commercial reality, the functions of the Enterprise are to be carried out by the Secretariat. During this interim period, by way of preparing for the future role of the Enterprise, the Secretariat is to monitor trends and developments, assess prospecting and exploration data and the results of marine scientific research, evaluate data on seabed areas reserved for the Authority, assess approaches to joint ventures, and study managerial policy options for administering the Enterprise.

Once functional, the Enterprise is to have its own Governing Board and Director-General, both elected by the Assembly on the recommendation of the Council.

## Settlement of Disputes

Under the Law of the Sea Convention, legal disputes relating to seabed matters covered by part XI are to be handled by a Seabed Disputes Chamber established by the International Tribunal for the Law of the Sea. Only the Council may institute proceedings before the Chamber on behalf of the Authority in cases of non-compliance.

- *Assembly and Council*
- *Three Subsidiary Bodies*
- *Secretariat*
- *Enterprise*

The International Seabed Authority is an intergovernmental organization through which its members organize and control activities on the deep ocean floor in areas beyond the limits of national jurisdiction, particularly with a view to administering the mineral resources of that area.

The constitution of the Authority, spelling out the structure and functions of its main organs and subsidiary bodies, as well as their decision-making processes, is included in the United Nations Convention on the Law of the Sea, adopted in 1982 and having the force of international law since it entered into effect in 1994. The Authority is covered by part XI of this wide-ranging treaty, an instrument that defines the rights and responsibilities of States in all parts of the world's seas, from shorelines to ocean depths, and covers all major maritime activities from fishing and shipping to resource exploitation and environmental protection. Part XI deals with an international seabed area (dubbed simply "the Area") that lies beyond the limits of any nation's jurisdiction and whose resources are designated "the common heritage of mankind."

Significant revisions to this part of the Convention were negotiated after the main text was completed, in order to make the treaty more acceptable to major maritime powers – notably the United States – that sought a more flexible system for governing deep-sea resources. These revisions, having the same legal effect as the Convention itself, are set out in the Agreement relating to the Implementation of Part XI of the Convention.

Although its tasks are unique in the ranks of intergovernmental organizations, the structure of the Authority resembles that of all such bodies – with one major exception, an organ empowered to extract minerals from the deep seabed.

Three of its main organs have been functioning since its inception in 1994: a policy-making Assembly composed of all States that belong to ISA, a 36-member executive Council that sets specific policies, and a Secretariat composed of staff who carry out the day-to-day activities of information gathering, monitoring and research.

The fourth main organ will be the Enterprise, empowered to conduct exploration and exploitation of deep-sea minerals on behalf of the international community. Although the legal basis for its existence has already been established, no steps have yet been taken to set this organ in motion.

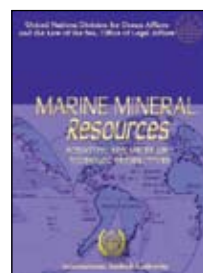
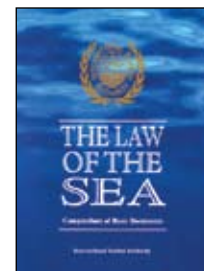
Besides these main organs, two permanent subsidiary bodies have been established, composed of members elected in their personal capacity, to deal with specialized tasks: a Legal and Technical Commission and a Finance Committee. Another expert body, the Economic Planning Commission, is envisaged once seabed mining becomes practicable.

Although these bodies may make decisions by majority vote – a two-thirds majority is required on questions of substance – most actions have been taken by consensus, in a conscious effort to reach solutions acceptable to all groups of States. This is in line with a provision in the Convention stating: "As a general rule, decision-making in the organs of the Authority should be by consensus."

The Authority has followed a pattern of annual sessions during which all of its bodies meet generally for a period of two weeks. These meetings take place at the Authority's headquarters in Kingston, Jamaica.



Inauguration of the Authority,  
16 November 1994 in  
Kingston, Jamaica



Some publications of the International Seabed Authority



An ISA Conference in Session



## Assembly

The Assembly of the Authority, its “supreme organ” with the power to establish general policies, consists of all ISA members. This membership, in turn, is composed of all parties to the Law of the Sea Convention, numbering 157 at the end of March 2009 (156 States and the European Community).

The Assembly has the following powers, among others:

- It elects the members of the Council and other bodies, as well as the Secretary-General, who heads the Secretariat.
- It sets the two-year budgets of the Authority as well as the rates by which members contribute towards the budget, based on the assessment scale established by the United Nations for that body’s activities.
- Following adoption by the Council, it approves the rules, regulations and procedures that the Authority may establish from time to time, governing prospecting, exploration and exploitation in the Area. The Assembly took its first such action in 2000 by approving Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, as drawn up by the Council.
- It examines reports from other bodies, notably the annual report by the Secretary-General on the work of the Authority. This periodic examination gives members the opportunity to comment and make proposals on any aspect of the Authority’s work.

The Convention assigns several other powers to the Authority, which will come into play once deep-sea mineral exploitation gets under way. 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.

## Council

As “the executive organ of the Authority,” the Council establishes specific policies in conformity with the Convention and the general policies set by the Assembly. It supervises and coordinates implementation of the elaborate regime established by the Convention to promote and regulate exploration for and exploitation of deep-sea minerals by States, corporations and other entities. Under this system, no such activity may legally take place until contracts have been signed between each interested entity and the Authority. The Council’s task is to draw up the terms of contracts, approve contract applications, oversee implementation of the contracts, and establish environmental and other standards. Its specific functions include the following:

- It approves 15-year plans of work in the form of contracts, in which governmental and private entities spell out the activities they intend to conduct in precisely defined geographical areas assigned to them.
- It exercises control over activities in the Area, and supervises and coordinates implementation of the seabed provisions of the Convention.
- It adopts and applies provisionally, pending approval by the Assembly, the rules, regulations and procedures by which the Authority controls prospecting, exploration and exploitation in the Area. Its initial set of regulations, adopted by consensus in 2000 and covering prospecting and exploration for polymetallic nodules, is intended as the first part of a mining code that will eventually deal also with exploitation and with other deep-sea mineral resources. The Council has begun work on other regulations concerning exploration rights for cobalt crusts and metal bearing sulphides.
- In cases where an environmental threat arises from seabed activities, it may issue emergency orders to prevent harm, including orders to suspend or adjust operations.

- It plays a role in various aspects of the regular functioning of the Authority, for example by proposing candidates for Secretary-General, submitting the Authority’s budget for approval by the Assembly, and making recommendations to the Assembly on any policy matter.

The Council will assume additional responsibilities once deep-sea mining commences in earnest. These include the issuance of directives to the Enterprise, action (including compensation) to protect land-based mineral producers in the third world from adverse economic effects of seabed production, and the establishment of mechanisms for a staff of inspectors who would ensure compliance with the Authority’s regulations and contracts.

When the Assembly elects States to the 36-member Council – half of them chosen every two years for rotating four-year terms – it follows one of the most elaborate formulas fixed for the composition of any international body, designed to ensure equitable representation of a variety of economic and regional interest groups. This formula is as follows:

- Four States that are major consumers of the categories of minerals found on the seabed, including the largest consumer.
- Four States with the largest investments in seabed activities.
- Four major land-based producers competing with seabed production.
- Six developing countries with “special interests,” including those with large populations, the land-locked or geographically disadvantaged, major importers of the categories of minerals found on the seabed, potential producers of such minerals and least developed States.
- Eighteen members elected to ensure an overall balance among geographical groups representing Africa, Asia, Eastern Europe, Latin America, the Caribbean, and the group of Western European and other States.

The first election to the Council was a contentious issue that held up the organization of the Authority for some time. All subsequent elections have been by consensus, following agreements reached within the various geographical and interest groups. Compromises have often been reached by splitting a four-year term between two States or by agreement in advance that a State will be placed on the Council at the next election.

The Council has managed so far to take all major decisions by consensus, notably reaching compromises between States that hold differing views on the manner in which the Authority should exercise its supervisory powers over the activities of contractors. To promote the broadest possible acceptance, it has also adopted flexible procedures for participation, permitting non-members of the Council, and even observers from States that do not belong to the Authority, to take part in all discussions and drafting of texts.

The Council and the Assembly have the following subsidiary bodies:

### Legal and Technical Commission

The Council has relied heavily on a body of experts, the Legal and Technical Commission, to draft regulations and recommendations designed to control or guide seabed exploration. The members of this body, currently numbering 24, are elected by the Council in their personal capacity for a five-year term, on the nomination of governments.

This Commission elaborated the draft regulations approved by the Council in 2000 on polymetallic nodule exploration, based on an initial draft by the Secretariat. It is currently engaged in similar work on regulations for cobalt-crust exploration. On its own authority (subject to Council review) it has drawn up recommendations to guide contractors in assessing any environmental impacts resulting from nodule exploration. Its tasks also include the review of contractors’ annual reports on seabed exploration, the preparation of environmental monitoring programmes, environmental assessments and the review of approved regulations with the option of proposing amendments.

The Commission has been holding most of its meetings in private, given the fact that it sometimes deals with confidential information submitted by contractors. However, in line with suggestions by many members of the Council, it has begun opening its meetings to attendance by any interested delegations when it deals with matters of general interest, such as the drafting of regulations.

### Economic Planning Commission

Another expert body envisaged by the Convention, the Economic Planning Commission, will advise the Council on supply, demand and price factors once seabed mineral production begins. It is also empowered to propose a compensation or economic adjustment system to aid developing States suffering economic harm from seabed production. The Council has not yet acted to constitute this 15-member body. Its functions are currently exercised by the Legal and Technical Commission.

### Finance Committee

The 15-member Finance Committee, composed of experts appointed by governments and elected by the Assembly for a five-year term, examines the Secretary-General’s biennial budget proposals and makes recommendations to the Assembly on this and other financial matters. Its membership must include at least one from each of the special interest groups on the Council, as well as from each of the five largest budgetary contributors. Decisions on substantive matters must be taken by consensus.