Nauru To Seek Advisory Opinion through Council at 16th Session

Nauru’s proposal to seek an advisory opinion on matters regarding sponsoring State responsibility and liability under Part XI of the Convention will be tabled during the Authority’s Council meetings at its 16th Session.

The proposal is for the 36-member Council to request an advisory opinion from the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea pursuant to Article 191 of the United Nations Convention on the Law of the Sea.

In 2008, the Republic of Nauru sponsored an application by Nauru Ocean Resources Inc ("NORI") for a plan of work to explore for polymetallic nodules in the Area.

According to the document to be tabled before the Council, Nauru, like many other developing States, does not yet possess the technical and financial capacity to undertake seafloor mining in international waters. To participate effectively in activities in the Area, these States must engage entities in the global private sector (in much the same way as some developing countries require direct foreign investment). Not only do some developing States lack the financial capacity to execute a seafloor mining project in international waters, some also cannot afford exposure to the legal risks potentially associated with such a project. This is important as these liabilities or costs could in some circumstances far exceed the financial capacities of Nauru (as well as that of many other developing States). Unlike terrestrial mining where a State generally only risks losing that which it already has (e.g. its natural environment), if a developing State can be held liable for activities in the Area, the State may potentially face losing more than it actually has.

The proposal also refers to Article 148, Article 150(c), and Article 152 (2) which stipulate that the effective participation of developing States in activities in the Area should be promoted, and that if developing States were unlikely to sponsor activities in the Area, whether they would face potential significant liabilities and how articles such as Article 148, 150(c), and 152(2) operate in the context of determining appropriate measures for developing States to take to fulfil their responsibilities.

The full proposal is tabled as ISBA/16/C/6 and is available on the Authority’s website.

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The Assembly and Council hold their first meetings on Tuesday 27 April 2010. The Finance Committee will commence its meetings on 26 April and the Legal and Technical Commission will commence its meetings one week prior to the main session of the Authority, from 19 to 23 April 2010.

It is the turn of the Group of Western European and Other States to nominate a candidate for the Presidency of the Assembly and the turn of the Asian Group to nominate a candidate for the Presidency of the Council. It is the turn of the Group of Western European and Other States to designate the member of the Council that will participate in the deliberations without the right to vote in 2010 in order to achieve equitable geographical representation in the Council.

In 2008, one-half of the members of the Council were elected from each of the five regional groups. The terms of office for the remaining one-half of the members of the Council who were elected in 2006 will expire on the 31 December 2010. Elections for the 17 new members of the Council for the period 1 January 2011 to 31 December 2014 will be held during the 16th Session.

The December 2009 workshop hosted by the Authority was the final phase of the Geological Model of polymetallic nodule deposits in the Clarion-Clipperton Zone project.

The Geological Model which was finally adopted following peer review, consists of a set of digital and hard copy maps and tables describing the predicted metal content and abundance of deposits in the Clarion Clipperton fracture zone, along with associated error estimates. The associated documentation describes the model testing procedures and algorithms used in producing the final model results.

The Prospector’s Guide examines all potential proxy data variables indentified as important indicators of metal content and abundance, and outlines specific data sets that qualify for use in the Geological Model and data information on all known nodule deposits in the Clarion Clipperton fracture zone.

The Authority’s effort to model the polymetallic nodule resources in the Clarion Clipperton fracture zone, an area covering nearly 12 million square kilometres, is the largest and most complex undertaking to date.

Also in 2009, the Secretariat initiated work on a new project to establish a geological model of polymetallic nodule deposits in the Central Indian Ocean Basin.

For this purpose, the services of scientists with expertise in polymetallic nodule exploration and environmental impact assessment were engaged to prepare a project inception report.

A meeting of the scientists was convened in October 2009 at the National Institute of Oceanography, Goa, India, to consider the possible proxy data that can be used for model studies and to identify possible expert team members to begin to work on developing the model throughout the period 2010 to 2012.

The outcome of the Geological Model project will be published as an ISA Technical Study and will be accessible online.
Bundesanstalt für Geowissenschaften und Rohstoffe’s (BGR) first exploration cruise to its allotted area in the Clarion Clipperton Zone using the R/V KILO MOANA took place from 15 October to 22 November 2008. As part of its training programme, BGR had onboard four trainees participating in the research cruise.

The four trainees were Yaya M. Djire from the Direction Nationale de la Géologie et des Mines in Mali, Suzan Mohamed El Gharapawy from the National Institute of Oceanography and Fisheries in Egypt, Heliarivonjy Rakotondramano from the Institut et Observatoire de Geophysique d’Antananarivo in Madagascar, and Nesha Nurse from the Natural Resources Department of the Ministry of Finance, Economic Affairs and Energy in Barbados. They were selected following an application and selection process of candidates from several countries which was conducted by Authority with advice from its Legal and Technical Commission and in consultation with BGR.

As part of their training, the four were assigned individual shifts to participate in the daily work onboard the vessel and which included seafloor sampling during the day (using instruments to sample nodules and sediments) and mapping and seafloor surveying during the night using geophysical methods.

Scientific activities during the cruise included instruction sessions for all significant systems which were operated during the cruise (e.g. multibeam swath mapping system, 3.5 kHz sediment echosounder, magnetometer array), and supervising systems and ensuring proper operation and data acquisition. The trainees also participated in sampling activities which included the deployment of box corer and multi corer units to recover seafloor sediments and manganese nodules.

Following the on-board cruise, post-cruise training for the four was held in Hannover from 2-30 June 2009 and focused on marine survey and sampling methods, and laboratory work on samples and data acquired during the 2008 cruise.
Spain Seminar—Seabed: The New Frontier

*Seabed: The New Frontier* seminar was jointly co-ordinated by the Authority, Fundación Ramón Areces and the Ministries of Foreign Affairs, Cooperation, Science and Innovation (Geographical Survey of Spain), from 24-26 February 2010 in Madrid.

The seminar shared views on the exploration and exploitation of the mineral resources of the deep seabed, and future challenges facing the international community.

Speaking in Madrid, Ambassador Jesús Silva, Spanish Ambassador to Jamaica and Permanent Representative to the ISA said “to date, lack of technology has hampered the exploitation of mineral resources in deep waters, but it may very soon be profitable, and with countries such as China, India, Germany, Korea and Japan taking positions, Spain needs to do the same”. The current debate, according to Silva, centres on how to ensure the sustainability of mining operations and minimize their environmental impact, as well as share resources equitably in an area defined as the *common heritage of mankind* in the United Nations Convention on the Law of the Sea.

The deep seabed area beyond the limits of national jurisdiction of coastal states, called "the Area", covers no less than 260 millions of square kilometres, a figure three times the whole sum of all marine jurisdiction of every country in the world, and which has hardly been exploited. However, there is consensus in the scientific community about the potential exploitation of these resources, as a new horizon of economic investment.

Mineral resources that may be found in the seabed includes oil, natural gas, gas hydrates, manganese nodules, cobalt-rich crusts, massive sulphides rich in iron, zinc, nickel, gold or copper, aggregates and placer deposits rich in titanium, rare earths, tin, gold and diamonds.

In recent years demand for some of these resources, such as the scarcest metals (copper, gold, silver, platinum, cobalt, nickel), have increased dramatically although the number of mining operations on land have decreased. The extractions of these elements from the seabed to meet future demands, therefore, are still of great interest.

For Spain, the seminar was an opportunity to sensitize the scientific community and the public on the need to have more involvement and activity in a sector representing the *new frontier*.

Brazil Seminar Spin-Off

As a direct spin-off from the sensitization seminar held in Brazil in 2008, its government has decided to initiate a project to integrate all the information available in Brazil and abroad on the geology and mineral resources of the Equatorial and South Atlantic Ocean.

The project will be carried out in collaboration with the Authority and other interested countries in that region to create a single geographic information system to help identify areas of mineral resources with economic value and to also assist in developing and improving techniques for geophysical and geological reconnaissance of mineral resources.

The sensitization seminars were developed by the Authority to inform government officials, scientists and marine policy makers of its work. The seminars also aim to promote the participation of scientists from institutions in developing countries in marine scientific research undertaken in the Area by international research organizations.

To date, four seminars have taken place—in Indonesia (2007), Brazil (2008) Nigeria (2009) and Spain (2010). A fifth seminar for the Caribbean region will be held in Jamaica in September 2010.

**Article 82** of the United Nations Convention on the Law of the Sea provides for a system of revenue sharing by means of payments or contributions in kind with respect to the production of non-living resources of the continental shelf lying beyond 200 nautical miles. The establishment of the outer limits of continental shelf of the world’s coastal States is undertaken according to **Article 76** of the Convention, and this is well underway, although the Commission on the Limits of the Continental Shelf, which was set up to oversee the process, warns that decades may pass before the task is complete. This study reviews the types of resources that may occur in these areas of outer continental shelf, comments on their accessibility (both in terms of their location and the technology available for exploration and extraction), and speculates on the development of licencing systems for areas of resource potential which straddle different operational regimes.

Taking into account the rate of delivery of recommendations of the Commission with regard to continental shelf limits, specific observations are made on the likely schedule of first payments by coastal States according to the provisions of **Article 82**. Even if those States that have completed their outer shelf delimitation move to set up exploration and extraction measures immediately, the five year ‘grace period’ in production allowed before revenue is required under **Article 82** is unlikely to finish before the end of the decade. Furthermore, the rate of completion of new recommendations by the Commission indicates a slow start to the revenue flow from the provisions laid out in **Article 82**.

### International Marine Minerals Society (IMMS) to Present Code for Environmental Management of Marine Mining to ISA Council at 16th Session

Professor Philomene Verlaan, Coordinator of IMMS will be presenting the Code for environmental management of marine mining to both the Legal & Technical Commission and Council during the 16th Session.

The IMMS Code is the only international instrument designed specifically to guide environmentally responsible deep sea mining. It is likely to serve as an example when legally binding legislation is eventually introduced and seeks the widest possible consultation on the update of the Code.

The Code is being followed with great interest by, and has received input from the Authority.

It aims to ensure that entities operating under their legal jurisdiction or control act in accordance with the requirement to protect and preserve the marine environment.

IMMS is a professional society whose members share an interest in marine minerals as a resource for study and sound application to meet world demand for strategic minerals. Founded in 1987, IMMS has a worldwide membership of individuals from industry, national and international governmental and non-governmental agencies and organizations, and academia.
In a bid to continue generating interest in the Fund and to encourage member states, international organizations, scientific and technical institutions to contribute towards the Fund, the Authority will host a side event during the 11th meeting of UNICPOLOS in New York.

To date, that Fund has disbursed $254,312 through 6 fellowships that promote capacity building.

A total of 16 scientists from developing countries - Argentina, Bangladesh, China, Egypt, Guyana, India, Indonesia, Mauritania, Nigeria, Papua New Guinea, Phillipines, Sri Lanka, Thailand and Vietnam - have been recipients of this financial support.

These recipients have been able to participate in either international training programmes or research projects which would not have been possible without the assistance of the Endowment Fund.

The Authority has also established a network of cooperating institutions that offer places on courses or research opportunities. The network to date includes the National Oceanography Centre (United Kingdom), the French Institute for the Exploitation of the Sea (IFREMER), the Federal Institute for Geosciences and Natural Resources (Germany), the National Institute of Oceanography (India), the Natural History Museum (United Kingdom), Duke University (USA) and InterRidge, a non-profit organization promoting interdisciplinary studies of ocean spreading centres.

**Endowment Fund Advisory Panel**

Alfredo Garcia Castelblanco (Chile)
Chen Jinghua (China)
Peter L Oyedele (Nigeria)
Coy Roach (Jamaica)
Elva G Escobar (Mexico)
Kaiser Goncalves de Souza (Brazil)
Lindsay Parson (United Kingdom)

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**Awards to date**

The Endowment Fund’s first award was a grant to InterRidge towards the funding of 2 marine science fellowship for 2009-2011.

In March 2009, an award was made to the Rhodes Academy of Oceans Law and Policy to help fund 9 participants from developing countries in training programmes covering issues relating to deep seabed marine science.

Also in 2009, the Fund provided the National Institute of Oceanography in India with assistance to train 3 scientists to gain new skills and to undergo a training program in topics related to deep seabed minerals.

Another award from the Fund has enabled a researcher from Papua New Guinea to perform research at the Duke University.

The Fund will also be supporting the participation of 2 scientists from India in a multi-disciplinary investigation aimed at expanding knowledge of the geology of Shag Rock Passage on North Scotia Ridge.

*Right: Fellows at Rhodes Academy*
CALENDAR OF EVENTS

March 2010
Options for the Management of the proposed Charlie Gibbs Marine Protected Area, 23-25 March, Madeira

April
ISA 16th Session, 26 April—7 May, Kingston

May 2010
3rd International Ocean Stewardship Forum 2010, 26-28 May, Southampton

June 2010
20th meeting of SPLOS, 14-18 June, New York

11th meeting of UNICPOLOS, 21-25 June, New York

PUBLICATIONS

• Issues associated with the Implementation of Article 82 of the United Nations Convention on the Law of the Sea (Technical Study: No.4)


MEMBERSHIP

As at 28 February, there were 160 members of the Authority (159 States and the European Union). There are also 138 parties to the 1994 Agreement. In 2009, Switzerland (1 May), Dominican Republic (10 July) and Chad (14 August) became parties to the Convention and the Agreement.

PROTOCOL ON PRIVILEGES AND IMMUNITIES

Also at 28 February, the number of parties to the Protocol was 31. They are: Argentina, Austria, Brazil, Bulgaria, Cameroon, Chile, Croatia, Cuba, Czech Republic, Denmark, Egypt, Estonia, Finland, Germany, India, Italy, Jamaica, Mauritius, Mozambique, Netherlands, Nigeria, Norway, Oman, Poland, Portugal, Slovakia, Slovenia, Spain, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland and Uruguay.

It is a matter of some concern that there have been no new ratifications of, or accessions to the Protocol since February 2009. The Secretary-General urges all States which have not yet done so to consider ratifying or acceding to the Protocol at the earliest opportunity.

PERMANENT MISSIONS TO THE AUTHORITY

Twenty States and the European Union maintain permanent missions to the Authority: Argentina, Belgium, Brazil, Cameroon, Chile, China, Cuba, France, Gabon, Germany, Haiti, Italy, Jamaica, Mexico, Nigeria, the Republic of Korea, Saint Kitts and Nevis, South Africa, Spain and Trinidad and Tobago.

On the Library...

Mention the Authority’s Satya N Nandan Library and one face comes to mind - that of Michelle Bond, Librarian, researcher, keeper, archiver and distributor of all information resources. She is at the helm of the Library responding to requests for information on subject areas related to the activities of the Authority, the international law of the sea and deep seabed mining from institutions, non-governmental organizations, academics, government departments and the general public.

Any person - scientist, student or member state representative who has visited the Authority has invariably stopped at the Library.

It is the main information resource for the Secretariat, member States and institutions looking for specialized information on seabed resources and legal and political issues relating to the deep seabed.

Facilities at the Library include a reading room, computers and access to its catalogues. The research capability of the existing collection continues to improve through an acquisitions programme aimed at building up and strengthening the Library’s comprehensive collection of reference materials.