

International Seabed Authority

Press Release



**Sixteenth Session
Kingston, Jamaica
23 April - 7 May 2010**

Background Press Release

**SB/16/1
23 April 2010**

SEABED AUTHORITY TO FINALIZE TEXT ON REGULATIONS FOR POLYMETALLIC SULPHIDES

**To Elect One-Half of Council Members and Adopt 2011-12 Budget
At Kingston Session, 26 April to 7 May 2010**

The International Seabed Authority is to finalize regulations on prospecting and exploration for polymetallic sulphides in the Area, elect one-half of its Council and adopt a two-year budget at its sixteenth annual session in Kingston, Jamaica, from 26 April to 7 May 2009.

The adoption of the regulations, as expected, after resolution of two outstanding issues, will mark another milestone in the progressive development by the 160-member Authority of a comprehensive set of rules, regulations and procedures to govern prospecting, exploration and exploitation of marine minerals in the Area. The first regulations covering polymetallic nodules exploration was adopted by the Authority on 13 July 2000.

Other substantive matters on the agenda include the scale of assessment for contributions to the 2011-12 budget; proposed amendments to the Staff Regulations of the Authority; and two requests for observer status in the Assembly, submitted by the International Cable Protection Committee Ltd. and the OSPAR Commission. The Assembly will consider the annual report of Secretary-General Nii Allotey Odunton of Ghana, his second since his election to the post in 2008.

The Assembly and the Council will hold their first meetings on Tuesday 27 April 2010, while the Finance Committee will start its meetings a day earlier on 26 April. The Legal and Technical Commission, whose members serve in their personal capacity, will commence its meetings one week prior to the Authority's main session.

The Authority, an autonomous international body, was established in 1994 with the entry into force that year of the 1982 United Nations Convention on the Law of the Sea as refined by the 1994 Agreement relating to the Implementation of the Convention's Part XI (seabed provisions). The Convention defines the deep seabed beyond the limits of national jurisdiction as

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“the common heritage of mankind”, with the Authority assigned the task of organizing and controlling all mineral-related activities in that area (“the Area”).

Polymetallic sulphides

During the fifteenth session last year, the Council considered and reached agreement on a number of revisions to the draft regulations on prospecting and exploration for polymetallic sulphides in the Area. The Council was, however, unable to complete consideration of proposed revisions to regulations 12(5), and 23(3) and (10) dealing with, respectively, anti-monopoly and overlapping claims. It was agreed to continue discussion of these issues at the sixteenth session with a view to finally adopting the draft regulations.

A Secretariat paper (ISBA/16/C/WP.1) recommends that the Council, in the event of a deadlock, should incorporate the substance of the two provisions in a draft resolution for adoption by the Assembly at the same time as the regulations.

Polymetallic sulphides are deposits of sulphides-containing minerals formed by hydrothermal activity along an active submerged volcanic range that extends through the world’s ocean basins, as well as around volcanic island chains such as those along the western edge of the Pacific Ocean.

Other matters

The Council will consider the report of the Legal and Technical Commission on its work during the session (19 to 28 April) which would cover matters such as the annual reports of the eight seabed contractors authorized by the Authority to explore for polymetallic nodules in allocated portions of the Area. The Commission’s report will also include its views on the recommendations of the project to establish a geological model for the Clarion-Clipperton Zone of the Central Pacific Ocean which was completed at the end of 2009.

The Council will also discuss the future size and composition of the Commission. The Convention on the Law of the Sea provides for a 15-member Commission with the proviso that, if necessary, the Council could increase its number to add further expertise to it. From the first elections to the Commission in 1996, and those of 2001 and 2006, its size has been expanded to accommodate the number of candidates nominated. During the forthcoming session, the Council will have before it a report of the Secretary-General - which it had requested – on considerations relating to the functioning of the Commission (ISBA/16/C/3).

The report invites the Council to take note of its decision ISBA/13/C/6 relating to the procedure for the nominations of candidates for future elections to the Commission and to apply it to elections to the Commission in 2011. It further invites the Council to consider the issues identified in the report and to provide any necessary direction on the size and composition of the Commission to be elected that year.

The Council will take up a draft text on regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area recommended to it by the Legal and Technical Commission at the end of the last session. The regulations are fully aligned with that for polymetallic sulphides, which are based on the existing regulations on polymetallic nodules.

A Secretariat paper (ISBA/16/C/5) states that some further alignment of the crusts regulations will be required, to take into account revisions to the sulphides regulations to be agreed to by the Council. The main substantive areas of difference between the two sets of draft regulations, according to the paper, relate to: (a) the question of the size and configuration of the area to be allocated for exploration (regulation 12); and (b) the progressive fee system (regulation 21).

Recommendations are expected to be made to the Assembly by the Council on amendments to the Authority's Staff Regulations following the abolition, with effect from 31 December 2009, of the Joint Appeals Boards and the United Nations Administrative Tribunal, and their replacement by a new system for the administration of justice in the United Nations. The Authority, like other organizations in relationship with the world body, will therefore have to reflect these and other new changes in its Staff Regulations.

Nauru seeks advisory opinion from Seabed Disputes Chamber

The Council will consider a proposal submitted to the Secretary-General of the Authority by the Government of Nauru, a member of the Authority, requesting an advisory opinion from the Seabed Disputes Chamber of the International Tribunal to the Law of the Sea, pursuant to article 191 of the United Nations Convention on the Law of the Sea on matters relating to sponsoring State liability and responsibility. The Tribunal was established under the Convention.

In its request (ISBA/16/C/6), the delegation of Nauru states that in 2008 its Government sponsored an application by Nauru Ocean Resources Inc. for a plan of work to explore for polymetallic nodules in the Area. It states that while the application process was being finalized, differing opinions arose from members of the Legal and Technical Commission – which first examines such applications – regarding the interpretation of the provisions of the Convention and the 1994 agreement relating to the Implementation of Part XI of the Convention that pertain to the responsibility and liability of sponsoring States.

Nauru considers it crucial that guidance be provided on the interpretation of those provisions so that developing States could assess whether it is within their capabilities to effectively mitigate such risks and in turn make an informed decision on whether or not to participate in activities in the Area.

Workshop

A workshop will be convened in 2010 to review further a proposal to establish a network of areas of particular environmental interest in the Clarion Clipperton fracture zone of the Central Pacific Ocean. Its objective is to obtain the best possible scientific and policy advice on the formulation of an environmental management plan at the regional scale for the Area.

Regional sensitization seminars

In its continuing efforts to inform government officials, marine policy makers and scientists at national and regional institutions of the work of the Authority, the fourth regional sensitization seminar was held in Madrid, Spain from 24 to 26 February 2010. Organized by

[Fundación Ramón Areces](#), in collaboration with the Authority and the Government of Spain, the seminar highlighted the work of the institutions created under the United Nations Convention on the Law of the Sea. Topics covered included efforts to commercialize deep seabed marine mineral resources such as polymetallic sulphides and cobalt-rich crust deposits. There was also a presentation on Spanish offshore mineral resources, its marine scientific research programmes and marine science institutions.

Previous seminars took place in Manado, Indonesia (March 2007), Rio de Janeiro, Brazil (November 2008) and Abuja, Nigeria (March 2009). A fifth seminar for the Caribbean region will be held in Jamaica in September 2010.

Finances

The Authority's budget for the financial period 2011 to 2012 and the scale of assessment for contributions to it will be considered in sequence, first by the Finance Committee and then the Council before final approval by the Assembly. The scale is based on that of the United Nations. An amount of \$12,516,500 was approved at the fourteenth session for 2009 to 2010, an increase of 6.2 per cent over the budget for the previous financial period.

In his annual report to the Assembly, the Secretary-General will disclose that 46 members of the Authority had paid a total of about 52.8 per cent of the value of contributions to the 2010 budget as at 1 March 2010. Contributions outstanding for prior periods (1998-2009) totalled \$340,751. As at the same date, 46 members were in arrears for two years or more.

The Finance Committee will also consider the audit report for 2009, as well as reports on the status of the voluntary trust fund and the International Seabed Endowment Fund. As at 1 March 2010, the balance of the voluntary trust fund, made up of voluntary contributions from the Authority's members, stood at \$83,913, including accrued interest of \$6,574. The trust fund, established in 2002, is used to facilitate the participation of members from the developing countries in the Finance Committee and the Legal and Technical Commission.

Endowment Fund for Marine Research in the Area

The International Seabed Authority Endowment Fund for Marine Research in the Area, established in 2006, supports the participation of qualified scientists and technical personnel from developing countries in international cooperative marine research programmes and capacity building through training and technical assistance. A total of \$254,312 has, to date, been disbursed by the Fund through six awards for activities that promote capacity building. A total of 16 scientists from developing countries have received financial support from the Fund.

During 2010, financing will also be provided to enable two scientists to participate in a research project to be undertaken by China Ocean Mineral Resources Research and Development Association in the Indian Ocean. The Authority and the Association will jointly organize a workshop on capacity building this year.

Council Elections

The Assembly will hold elections of one-half of the members its Council for the period 2011 to 2014 in accordance with Article 161, paragraph 3, of the United Nations Convention on the Law of the Sea. The terms of office of 17 members will end on 31 December 2010. The election is held every two years on a rotating basis as terms expire. Article 161 (1) provides for a 36-member Council.

The Law of the Sea Convention identifies five groups of States from which Council membership is to be drawn, of which four are States with special interests in aspects of seabed mining and the fifth is a group chosen to ensure equitable geographical balance in the Council as a whole.

During the election for the first members of the Council in 1996, it was agreed to allocate 10 seats to the African Group, 9 to the Asian Group, 8 to the Western European and Others Group, 7 to the Latin American and Caribbean Group and 3 to the East European Group.

Since the total number of seats allocated according to that formula is 37, understandings were reached by which regional groups other than the Eastern European Group would relinquish a seat in rotation. It is the turn of the Group of Western European and Other States to designate the member that will participate in the Council's deliberations without a vote during the period of the relinquishment.

The changes foreseen in each of the five groups in the Council are as follows:

Group A (4 States from among the largest consumers or net importers of minerals to be derived from seabed mining): China (elected in 2008, term expires 31 December 2012); Japan (re-elected 2008, term expires 31 December 2012); Italy (re-elected 2006, term expires 31 December 2010); the Russian Federation (re-elected 2006, term expires 31 December 2010). **Two** vacancies will have to be filled in Group A.

Group B (4 States from those with the largest investment in seabed mining): India (re-elected in 2008, leaving 31 December 2010); the Republic of Korea (took the seat formerly occupied by the United Kingdom, term expires on 31 December 2000; France (re-elected in 2006, term expires for four years expiring on 31 December 2019) and Germany (re-elected 2006; term also expires on 31 December 2010). **Three** vacancies will have to be filled.

Group C (4 States that are major land-based net exporters of minerals found in the seabed): Australia (took the seat previously occupied by Canada with effect from 1 January 2009 for two years until 31 December 2010); South Africa (elected in 2008 for a four-year term expiring on 31 December 2012); Canada (re-elected in 2008, its four-year term expires on 31 December 2012); Indonesia (re-elected in 2006, its four-year term expires on 31 December 2010). **Two** vacancies will have to be filled.

Group D (6 developing States representing special interests, including those with large populations, the land-locked or geographically disadvantaged, islands, major mineral importers, or potential producers, and the least developed): Four-year terms of Bangladesh (elected in 2008), Brazil (re-elected in 2008), and Sudan (re-elected in 2008) expire on 31 December 2012, while four-year terms of Egypt, Fiji and Jamaica (all re-elected in 2006), expire on 31 December 2010. **Three** vacancies will therefore have to be filled.

Group E (18 States reflecting the principle of geographical representation, as well as balance between developed and developing States): Cameroon, Chile, Côte d'Ivoire, Mexico, Nigeria, Qatar, Viet Nam (elected in 2006 for a four-year term expiring on 31 December 2010); Angola, Argentina, the Czech Republic, Guyana, Kenya, Namibia, the Netherlands, Poland, Senegal, Spain, Trinidad and Tobago (re-elected/elected in 2008 for a four-year term expiring on 31 December 2012); the United Kingdom (elected in 2008 for a four-year term expiring on 31 December 2012). **Seven** vacancies will have to be filled.

It is 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 nominate a candidate for the Presidency of the Assembly.

Report of the Secretary-General

The Secretary-General is required by article 166, paragraph 4 of the United Nations Convention on the Law of the Sea to provide an annual report which is considered by the Assembly with delegations expressing their views on it. The report will provide a detailed account of the Authority's work over the past year as well as an overview of the outcomes of its 2008-2010 programme of work.

The report will outline the main trends of the proposed programme of work for 2011-2013 covering such matters as ongoing supervision of contracts for exploration and award of new ones; progressive development of the regulatory regime for activities in the Area; promotion and encouragement of marine scientific research in the Area and data base development.

In other actions, the Assembly will consider requests for observer status at its sessions from two organizations: the International Cable Protection Committee, which promotes the safeguarding of submarine cables against man-made and natural hazards; and from OSPAR Commission, a body established by the 1992 Convention for the Protection of the Marine Environment of the North-East Atlantic. The Assembly will also examine other proposals and recommendations that may be referred to it by the other organs and subsidiary bodies of the Authority.

Members of the Authority

The list of members of the Authority is as follows: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chad, Chile, China, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, Equatorial Guinea, Estonia, European Community, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Niue, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Serbia, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad & Tobago, Tunisia, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Vietnam, Yemen, Zambia, Zimbabwe.
