

International Seabed Authority

Press Release

Tenth Session
Kingston, Jamaica
24 May – 4 June 2004



Round-up of Session

SB/10/20
4 June 2004

RE-ELECTION OF SECRETARY-GENERAL TO THIRD FOUR-YEAR TERM, AND ADOPTION OF NEW BUDGET USHERS IN NEW DIRECTION, OPPORTUNITIES FOR INTERNATIONAL SEABED AUTHORITY

The International Seabed Authority moves into a new phase with the re-election of Satya N. Nandan as Secretary-General for a third consecutive four-year term to implement the organization's new three-year programme (2005-2007) with emphasis on protecting, conserving and managing the resources of the deep ocean.

During the session the Authority celebrated the tenth anniversary of its establishment with a special commemorative session, and focused on its transition from an organizational to a more substantive technical phase. This work would entail supervising existing exploration contracts, the preparation of an appropriate regulatory regime for the future development of the mineral resources of the international deep seabed Area, and the promotion and encouragement of marine scientific research.

New draft regulations for the prospecting and exploration of Polymetallic Sulphides and Ferromanganese Cobalt-rich Crusts were completed by the Legal and Technical Commission after four years of work. It was introduced to the Council for preliminary consideration.

In other actions, the Assembly approved a budget of US\$10.8 million for 2005 – 2006. It also approved the Supplementary Agreement between the Government of Jamaica and the Authority concerning the maintenance of the headquarters and use of the Jamaica Conference Centre.

The Assembly also elected 20 members to the 36-member Council of the Authority for four year four term, beginning 1 January 2005 to 31 December 2008.

- more -

Commemorative Special Session

On 25 and 26 May, the Authority held a commemorative special session of its Assembly to celebrate the tenth anniversary of the establishment of the International Seabed Authority. Two panel discussions were also held on the achievements and future prospects and directions of the Authority. The occasion also marked the tenth anniversary of the entry into force of the 1982 United Nations Convention on the Law of the Sea on 16 November 1996. The Seabed Authority was established soon after the entry into force of the Convention.

United Nations Secretary-General Kofi Annan in a message to mark the occasion commended the Authority's key role in efforts under the Convention to manage the diverse challenges associated with ocean space and its uses. The Prime Minister of Jamaica, the Right Honourable P.J. Patterson said his government had done all it could to ensure that the Authority settled into its new home easily and comfortably. The signing of the Headquarters Agreement in 1999 and the completion of the Supplementary Agreement, which was approved by the Authority's Assembly during the session, was a strong signal of his government's long-term commitment and dedication. Statements were also made by the President of the International Tribunal for the Law of the Sea, Judge L. Dolliver Nelson and Judge Jose Luis Jesus, Chairman of the Preparatory Commission for the International Tribunal for the Law of the Sea and for the International Tribunal for the Law of the Sea.

The Secretary-General of the Authority, Satya N. Nandan, in his statement before the Assembly, said there was an urgent need to enhance efforts in the research and exploration of the oceans. He had drawn the attention of the United Nations General Assembly at its last session to the need for a declaration in support of ocean research and exploration. He said that without adequate scientific research, management of the oceans would not be based on sound scientific knowledge.

Messages were received from Tommy Koh, Chairman of the Third United Conference on the Law of the Sea, former Prime Minister of the United Republic of Tanzania, Joseph Warioba, First President of the Preparatory Commission.

The representatives of the five regional groups in the Authority also made statements.

In the panel discussions on the achievements of the Authority, Dr. Hasjim Djalal of Indonesia, president of the Authority's Finance Committee, said the problem facing

- more -

the organization was the achievement of a quorum for its policy-making Assembly to carry out its functions. It had become increasingly difficult to achieve attendance of a majority of the 145 member States. He referred to a number of steps that had been suggested to overcome the problem, including holding sessions of the Authority ever two years,

Speaking on the panel, Inge Zaamwani of Namibia, and a former head of the Legal and Technical Commission said the governing principles relating to the development of resources in the international seabed Area remained relevant and laudable, but the Authority could do more to promote and encourage the conduct of marine scientific research. Addressing the second panel on 26 May, Professor Chris German, Head of the Hydrothermal Process Group at Southampton Oceanography Centre in the United Kingdom, said the latest work in hydrothermal vent fields revealed 300% more vents than were previously predicted since 1996 with more vent sites yet to be discovered.

Dr .P. John Lamshead of the Natural History Museum in the United Kingdom gave the International Seabed Authority full credit for asking questions that stimulated a revolution in scientific research and to a transformation in paradigm of what scientists thought they knew about the seabed.

Professor Tullio Scovazzi of the University of Milano-Bicocca, Milan, Italy urged closer scrutiny of the mandate of the Authority in the exploration of genetic resources. He said they could become the most immediate and profitable activity on the deep seabed.

New Draft Regulations on Polymetallic Sulphides and Ferromanganese crusts

The Council decided to continue its detailed examination of the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the international seabed Area at the eleventh session of the Authority in 2005. Council members said they needed time to study the document and consult with their governments.

General comments and concerns heard during this session's discussions focused on the size and nature of allocated area and process of relinquishment, protection and preservation of the marine environment, and the need for more background documentation to assist delegations in studying the technical aspects of the draft.

- more -

Round-up of Session

SB/10/20

4 June 2004

The document is a product of four years of hard bargaining by members of the Legal and Technical Commission since 2001. It sets out the legal rules that contractors and the Authority must follow in prospecting or exploring for those metals in the international seabed Area. The regulations may be supplemented by further rules, regulations and procedures to protect and preserve the marine environment, the document indicates.

The text is in nine parts containing 43 regulations and four annexes. Part I covers use of terms and scope of the regulations, while part II explains how prospecting shall be conducted, and consideration of notification to do so by the Secretary-General. It also covers submission of annual reports by contractors.

Part III, containing the general provisions, sets out the details of applications for approval of plans of work for exploration in the form of contracts. The area for exploration shall not be more than 100 blocks.

According to the provisions in part IV of the text, the Council has to approve any plan of work for exploration which must be prepared in the form of a contract. Rights of contractors are protected and their area of operation would not be interfered with. A plan of work for exploration shall be approved for 15 years.

There are provisions for the protection and preservation of the marine environment under Part V of the regulations. Contractors, sponsoring States and other interested States or entities shall cooperate with the Authority in the establishment and implementation of programmes for monitoring and evaluating impacts of deep sea mining on the marine environment.

Part VI has a confidentiality provision to protect proprietary data and information submitted by a contractor.

Work of Legal and Technical Commission

The 24-member Legal and Technical Commission which did most of its work in closed session met from 17 to 28 May, completing the draft regulations. The Commission had an exchange of views with three internationally renowned scientists on the regulations.

- more -

The Commission then proceeded to consider during its closed sessions, the annual reports of entities with contracts with the Authority on prospecting and exploration of the seabed area; a progress report on the project to establish a geological model for the Clarion-Clipperton Fracture Zone (CCZ) and also considered the outcome of the Authority's workshop on standardization of environmental data and information.

The Commission held an open session on 27 May to gather information and improve understanding of seabed biodiversity. From a paper presented by Dr. Frida Maria Armas Pfirter, Vice-Chairman of the Commission, and the discussions that followed, it emerged that there was a legal lacuna in respect of such resources and the need to address the issues in greater detail taking into account the work of other relevant organizations.

A seminar is planned for September 6 - 10 under the topic: "Polymetallic sulphides and cobalt crusts – their environment and considerations for the establishment of baselines and an associated monitoring programme for exploration."

Election of Secretary-General

The Assembly elected Ambassador Nandan as Secretary-General of the Authority for a third consecutive four-year term. In a vote of 48 to 29, with one spoilt ballot, Ambassador Nandan won over Ambassador Charles Manyang D'Awol of the Sudan. The election was conducted by secret ballot. Mr. Nandan, who was elected as the first Secretary-General of the Authority in March 1996, pledged to strengthen the progress the Authority had made.

The bureau of the Assembly, for the first time, granted dispensation to Comoros and Somalia, who were in arrears, allowing them to participate in the elections. In support of the request they cited a resolution adopted in the General Assembly of the United Nations, which grants less developed countries experiencing economic hardship the right to vote in decisions of the General Assembly until June 30, 2004.

Secretary-General's Report

In his report to the Assembly (document ISBA/10/A/3), the Secretary-General provided, among other things, a detailed overview of the Authority's efforts to fulfill its mandate, as well as its most significant accomplishments. In the next three years – 2005-2007 - the work programme will continue to be focused on, among others, the

- more -

Round-up of Session

SB/10/20

4 June 2004

Authority's supervisory functions with respect to existing exploration contracts, the preparation of a regulatory regime for future development of the international seabed Area, and the promotion of marine scientific research there.

A key component in the Secretariat's work during 2005-2007 will be the establishment of a geological model for the Clarion-Clipperton Fracture Zone (CCZ) in the north central Pacific Ocean. The Secretariat will also continue its efforts to expand the Authority's Central Data Repository. Contractors for polymetallic nodule exploration would be requested to make their environmental data on contract areas available to the Authority.

Discussion on the Secretary-General's report covered attendance at meetings of expert bodies and sessions, the supervisory functions of the Authority, its role in monitoring and preserving the marine environment, data collection and information management. Delegates also welcomed the emphasis of the Secretary-General's Report on marine scientific research, which was a sizeable part of Authority's substantive work programme for 2005 to 2007

Budget and Scale of Assessments

The Assembly on 3 June approved a US\$10,816,700 budget for the operations of the Authority for 2005 and 2006. The figure was the same as that requested by the Secretary-General who had estimated the Authority's budgetary requirements for 2005 and 2006 to be \$5,337,900 and \$5,478,800 respectively, totaling \$10,816,700 for the biennium.

By its decision (ISBA/10/A/8), the Assembly authorized the Secretary-General to establish the scale of assessments for 2005 and 2006 based on the scale used for the regular budget of the United Nations for 2004 and 2005, as adjusted by the Authority, taking into account that the maximum assessment rate for the budget for 2005 and 2006 would be 22 per cent with a minimum rate of 0.01. (See para.5 of document)

Vietnam suggested that the proposed scale should be considered preliminary in the light of the provisions of paragraph 5 of the budget decision. The Russian Federation opposed that view, stating that the scale as it stood was definitive, and that it could be adjusted by the Secretary-General, depending on changes in the membership of the Authority. The Secretary-General suggested the addition of the following proviso, namely "subject to the provisions of paragraph 5 of the budget decision".

- more -

Round-up of Session

SB/10/20

4 June 2004

The Assembly agreed to give due consideration at its next session in 2005 to a draft resolution (ISBA/A/10) introduced by Japan, proposing modalities, terms and conditions for using the Voluntary Trust Fund originally established to facilitate the participation of developing countries in the Legal and Technical Commission and the Finance Committee.

A number of members expressed their concern with the level of contributions to the Voluntary Trust Fund. At the 93rd meeting, the representative of Norway informed the Assembly that Norway would contribute US\$25,000.00 to the Voluntary Trust Fund.

Supplementary Agreement

On Tuesday, 1 June, the Assembly adopted the Supplementary Agreement (ISBA/10/A/2-ISBA/10/C/2) related to the Headquarters Agreement signed on 17 December 2003 by the Authority and the Government of Jamaica.

The Supplementary Agreement covers the maintenance of the premises of the Authority's permanent headquarters in Kingston and the use of the Jamaica Conference Centre. It was signed on 17 December 2003 by Secretary-General Satya N, Nandan on behalf of the International Seabed Authority, and Hon. K.D. Knight, Minister of Foreign Affairs and Foreign Trade, on behalf of the Government of Jamaica.

Under the agreement, the Authority is granted a defined space within the headquarters building rent free for a period of 99 years, and will pay a monthly maintenance contribution of US\$4,000 towards the use and occupation of its premises. The Agreement stipulates that the Authority shall be directly responsible for the payment of electricity consumption within its premises and will contribute a pro rata share of the common area electricity. Furthermore, the Authority shall have guaranteed use of Jamaica Conference Centre and its facilities at rates no less favourable than those applied to the Government, its agencies and other local organizations and bodies.

Council Elections

On 3 June the Assembly elected 20 members to the Council for a 4-year term from 2005 through 2008. The election, based on lists drawn up by the various groups represented on the Council, was uncontested.

- more -

The Council membership is drawn from five groups of States members of the Authority. Four of these have 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.

As a result of this election, the breakdown of the Council membership by groups will be as follows:

- Group A (4 States from among the largest consumers or net importers of minerals to be derived from seabed mining): Japan and China will join the Russian Federation and Italy. According to an understanding first reached at the last Council election in 2000, Italy will relinquish its seat to the United States if that country joins the Authority.
- Group B (4 States from those with the largest investment in seabed mining): India and the United Kingdom will join France and Germany.
- Group C (4 States that are major land-based net exporters of the minerals also found on the deep seabed): Canada, South Africa and Portugal will join Indonesia. Canada replaces Australia under an understanding reached in 1995 between the two countries.
- 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): Brazil, Malaysia and Sudan join Jamaica Egypt and Fiji.
- Group E (18 States for geographical balance as well as a balance between developed and developing States): Argentina, the Czech Republic, Gabon, Guyana, Kenya, Namibia, the Netherlands, Poland, Senegal, Spain and Trinidad and Tobago will join Cameroon, Chile, Cote d'Ivoire, Honduras, Myanmar, Nigeria, Republic of Korea and Saudi Arabia. One member from GRULAC (Latin American and Caribbean Group) will not have a vote for the year 2006, under an arrangement by which regional groups (except the Eastern European Group) give up one seat each on a rotating basis for a year at a time.

- more -

Other Elections

The President of the Assembly of the session, elected on 24 May, was Dennis Francis of Trinidad and Tobago (biographical note in Press Release SB/10/3). The Council President, also elected on May 24, was Baïdy Diène of Senegal (biographical note in Press Release SB/10/4).

An uncontested election was held on May 24 to fill a vacancy in the Legal and Technical Commission arising from the resignation of Jean-Pierre Lenoble. He was replaced by Jean-Marie Auzende (France), who will complete a five-year term, through to the end of 2006. On 2 June, the Assembly deferred an election to fill a vacancy in the Finance Committee.

Other Matters

The Assembly held a special commemorative sitting on Tuesday, 1 June to honour the memory of Dr. Helmut Beiersdorf, a German geologist and member of the Legal and Technical Commission since 1998. Dr. Beiersdorf, 66, who was attending the current session of the Authority, died suddenly on May 30. Tributes came from the Assembly President, the Secretary-General, Chairmen of the regional groups and the Vice-Chairman of the LTC, as well as many other delegations.

Membership and Attendance

Of the Authority's 145 members, 79 were in attendance at this session. The ISA membership consists of all parties to the Law of the Sea Convention. The members are listed below, with an asterisk (*) marking those participating in the session.

Albania, Algeria, Angola, Antigua and Barbuda, *Argentina, Armenia, *Australia, *Austria, *Bahamas, Bahrain, *Bangladesh, Barbados, *Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, *Brazil, Brunei Darussalam, *Bulgaria, *Cameroon, *Canada, Cape Verde, *Chile, *China, *Comoros, Cook Islands, *Costa Rica, *Côte d'Ivoire, Croatia, *Cuba, Cyprus, *Czech Republic, *Democratic Republic of the Congo, *Djibouti, Dominica, *Egypt, Equatorial Guinea, *European Community, Federated States of Micronesia, *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, *Lebanon, Lithuania, Luxembourg, Madagascar, *Malaysia, Maldives, Mali,

- more -

Round-up of Session

SB/10/20

4 June 2004

*Malta, Marshall Islands, Mauritania, Mauritius, *Mexico, Monaco, Mongolia, *Mozambique, *Myanmar. Also, *Namibia, Nauru, Nepal, *Netherlands, *New Zealand, Nicaragua, *Nigeria, *Norway, *Oman, *Pakistan, Palau, *Panama, *Papua New Guinea, Paraguay, Philippines, *Poland, *Portugal, *Qatar, *Republic of Korea, Romania, *Russian Federation, *Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, *Samoa, Sao Tome and Principe, *Saudi Arabia, *Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, *Slovakia, Slovenia, Solomon Islands, *Somalia, *South Africa, *Spain, Sri Lanka, *Sudan, *Suriname, *Sweden, The former Yugoslav Republic of Macedonia, Togo, Tonga, *Trinidad and Tobago, *Tunisia, Tuvalu, *Uganda, Ukraine, *United Kingdom, *United Republic of Tanzania, *Uruguay, Vanuatu, *Viet Nam, *Yemen, Zambia and Zimbabwe.

Nine non-member States recorded their presence as observers: Burkina Faso, Colombia, Dominican Republic, Ecuador, El Salvador, Morocco, Peru, United States and Venezuela. Observers may take part in all deliberations at formal and informal meetings, without the right to vote.
