

International Seabed Authority

Press Release



Eleventh Session
Kingston, Jamaica
15 - 26 August 2005

Assembly (AM)

SB/11/16
25 August 2005

**INTERNATIONAL SEABED AUTHORITY CONCLUDES ELEVENTH SESSION.
DEFERS ACTION ON MAIN AGENDA ITEM – NEW MINING CODE.
NEXT SESSION WILL BE 7-18 AUGUST 2006 IN KINGSTON**

The 2005 session of the Assembly of the International Seabed Authority ended a day earlier this afternoon, after members adopted the recommendations of the Finance Committee, approved the report of the Credentials Committee and took note of a statement from the President concerning its work. The Authority's eleventh session, which began in Kingston on 15 August, had been scheduled to conclude on Friday, 26 August.

The 148-member body deferred, to the next session, consideration and adoption of the regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts – a major item on the agenda of the session - because the Council had not completed its review.

The Authority will meet for its twelfth session from 7 to 18 August, 2006 in Kingston. In the work programme for the twelfth session priority will again be given to the draft rules and regulations on sulphides and crusts and to the work of the Finance Committee which will set a new two-year budget for the Authority. There will be elections for membership of the Legal and Technical Commission and the Finance Committee.

The Assembly adopted the recommendation of the Finance Committee (ISBA/11/C/9) that Deloitte & Touche, a Jamaican accounting firm, be appointed as independent auditor for the Authority for 2005 and 2006. The firm, an independent member of the Deloitte & Touche global network, is the current auditor for the Authority.

Acting also on the recommendations of the Finance Committee, the Assembly approved the assessed contributions to the Authority's administrative budget and Capital Working Fund of three new members – Denmark, Latvia and Burkina Faso. It urged members of the Authority to pay their assessed contributions on time and in full and to contribute to the voluntary trust fund.

The report on the credentials of representatives to the eleventh session of the Assembly of the International Seabed Authority (ISBA/11/A/9) was presented by Helmut Tuerk (Austria), chairman of the Credentials Committee. It noted that 63 members of the Authority were represented at the eleventh session. Other members of the Committee were Finland, Jamaica, Japan, Pakistan, Slovakia, Sudan and Uganda.

Ambassador Tuerk also announced that, after thirty-two years' involvement in the Law of the Sea and twelve times as chairman of the Credentials Committee, he was bidding farewell to take up a new appointment. The Assembly President, Olav Myklebust (Norway), Secretary-General Satya N. Nandan and the Nigeria's representative, all expressed appreciation to Ambassador Tuerk for his decades of service and eminent contribution, as well as his advocacy for the deep oceans being the common heritage of mankind. He is slated to become a judge on the International Tribunal for the Law of the Sea, based in Hamburg, Germany, later this year.

The issue of attendance at sessions of the Authority, mentioned by the Chairman of the Credentials Committee during the presentation of his report, was followed up by Nigeria whose representative urged the President and the Secretary-General to take action to address the situation. In his response, Secretary-General Nandan said the issue of lack of quorum had been a problem for the Authority for some time. His action on the matter included letters to members as well as statements at meetings of States Parties to the Law of the Sea Convention urging them to support the institution they helped to create. The matter was also addressed at the General Assembly of the United Nations. He urged members to impress upon their colleagues the need to participate in meetings of the Authority. The Convention on the Law of the Sea prescribes half of the 148 members of the Assembly as a quorum.

Brazil urged the Secretariat to make stronger representation to the United Nations to secure meeting dates for the Authority ahead of the meeting of States Parties.

In other matters, host country Jamaica, commenting on the statement of the President on the work of the Assembly at the eleventh session (ISBA/11/A/11), said security measures, put into effect for the Secretariat and its staff, were in conjunction with the Authority from 2003 to the present and not in response to any security concern. He said the new measures followed the September 11 incident and the bombing of the United Nations office in Iraq and were general security requirements for United Nations' premises worldwide.

A lengthy debate resulted from one of the points made in the report of the Assembly president pertaining to the next session of the Authority. The report noted that since the terms of office of the members of the Finance Committee and the Legal and Technical Commission would come to an end on 31 December 2006, elections to those bodies for the period 2007 to 2011 would be held at the twelfth session.

According to Section 9, paragraph 4 of the Annex to the 1994 Agreement relating to the implementation of Part XI of the Convention, Finance Committee members can hold office for a

term of five years, and are eligible for re-election for a further term. The same rules apply to members of the Legal and Technical Commission (Article 165, paragraph 6 of the Convention).

The Secretary-General in an earlier statement on the subject had expressed the view that those members who had already served for two terms could be considered eligible for re-election. He felt that in the English text of the Convention, the provisions could be interpreted to allow terms beyond the second term.

However, many delegations, including Argentina, China, Kenya, Portugal and Spain opposed that view. Jamaica said that the only possible interpretation of the text was that no more than two terms were allowed. France, Russia and Spain felt that this was a matter to be considered in depth by their governments.

The representative of Australia suggested that a decision could be taken at the meeting of States Parties to the Law of the Sea before the next session of the Authority. The Russian Federation agreed that that would be the appropriate forum to discuss the issue. However, the Observer from the United States did not concur with this position; the proper place for such a discussion was in the Council of the Authority. The Secretary-General supported the United States and said that taking the matter to the States Parties would not be fruitful.

The Netherlands also opposed referring the matter to the States Parties meeting. She said that there was a need to find a balance between retaining the necessary expertise in these bodies and opening the possibility for others to participate in their work and suggested that informal consultations on the matter could continue among members inter-sessionally. In the meantime, States could start identifying experts who they could nominate to serve. This proposal won support from Belgium, Egypt, Germany, Spain and the United Kingdom. However, the Russian Federation disagreed with this approach. He did not see the value of informal consultations since no decision could be reached at such meetings.

Bangladesh, supported by Belgium, Brazil and Egypt, pointed out that the process of nominating candidates for such technical bodies was a long one, and governments would need to know well ahead of the next session whether there would be vacancies available to accommodate such nominations.

The President of the Assembly, following up on suggestions from the floor, proposed new wording for his report to read: "the Secretary-General expressed the view that those members who had already served for two terms should be considered eligible for re-election." He pointed out that no formal decision on the matter could be taken during this session and suggested that the Secretariat consult and prepare for circulation a document suggesting a solution. The Secretary-General could then invite member states within a specific time frame to respond if they had different views. The President emphasized that this process would not lead to a formal decision but would help to clarify the issue.