

International Seabed Authority

Press Release



Twelfth Session
Kingston, Jamaica
7 - 18 August 2006

Round-up of Session

**SB/12/15
17 August 2006**

SEABED AUTHORITY CONCLUDES TWELFTH SESSION

**Agrees on separate regulations for new seabed minerals
New members elected for Council, Finance Committee and Legal and Technical Commission.
Budget for 2007-2008 adopted**

The International Seabed Authority has agreed on the drafting of separate rules and regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the international seabed Area in the light of new information made available during the organization's twelfth session which concluded on Thursday, 17 August, a day earlier than scheduled.

It was decided that the Legal and Technical Commission should give priority to drafting regulations relating to polymetallic sulphides so that the Authority's executive Council could consider them at the 13th session scheduled for 9-20 July 2007.

In other decisions during the two-week session, the Authority adopted a US\$11,782,400 budget for its operations in the 2007- 2008 biennium, along with a scale of assessment of members' contributions based on a United Nations model. (A US\$10,816,700 budget was adopted in 2004 for the organization's work in 2005-2006). The Authority decided to establish a special endowment fund for marine research in the international seabed Area.

Seventeen States of the 36-member Seabed Council and the entire membership of the expanded Legal and Technical Commission and the Finance Committee were elected for terms starting 1 January 2007.

Regulations for seabed sulphides and crusts prospecting

Following extensive discussions on how it would deal with the technical issues contained in the draft regulations, the Council agreed that the Secretariat should attempt a further revision in light of the outcomes of the technical workshop, the presentations by two participants of the workshop and discussions in the Council during the session. The Secretariat was to produce separate sets of regulations

for polymetallic sulphides and cobalt-rich crusts. The Council recommended that the Legal and Technical Commission should give priority to the regulations relating to the polymetallic sulphides, which the Council could consider at its next session.

It was agreed that the revised draft would be circulated to the outgoing members of the Legal and Technical Commission for comment before their term ended on 31 December 2006, and thereafter, to the incoming members. Later the draft would be made available to member States well in advance of the thirteenth session. The Legal and Technical Commission would then review the draft regulations for cobalt-rich crusts and submit them for consideration by the Council in 2008. The Council gave a first reading to the draft regulations on prospecting and exploration for the two marine minerals (ISBA/10/C/WP.1/Rev.1) at its eleventh session in 2005.

Workshop

A workshop which preceded the session (Kingston 31 July - 4 August) discussed some aspects of the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts and their application to hypothetical seabed mining for both resources in the Area. Two small working groups considered issues relating to size of areas to be allocated for exploration and subsequent exploitation of polymetallic sulphides and cobalt-rich crusts. The working group on polymetallic sulphides made a number of recommendations which its coordinator introduced to the Council on 8 August. The working group considered the appropriate size of areas for exploration and exploitation of polymetallic sulphides, using the draft regulations as a starting point. The group agreed that the draft regulations provided an appropriate regulatory framework for exploration for the resources.

Elections

The Assembly elected Sainivalati S. Navoti, Legal Counsel at the Permanent Mission of Fiji to the United Nations in New York, as its President for the twelfth session. Four vice-presidents were also elected, namely Canada, Chile, Czech Republic and Kenya. The Assembly also elected nine members to serve on the Credentials Committee for the session. They are Australia, China, Finland, Jamaica, Japan, Mexico, Namibia, Russian Federation and Tanzania.

The Council elected Mariusz-Orion Jędrysek of Poland, as its President for the Authority's current session. Also elected were four Vice-Presidents – Argentina, Cameroon, Germany and Japan.

The Council decided to increase the size of the Legal and Technical Commission to 25 members without prejudice to future elections. The Council requested the Secretary-General to prepare, for its consideration at its next session in 2007, a report on considerations relating to the future size and composition of the Commission and the process for future elections.

The Council then elected the following 25 candidates whose names had been submitted for that purpose by the closing date (an asterisk denotes a re-elected member):
Frida María Armas Pfirter, (Argentina)*; Walter De Sá Leitão, (Brazil)*; Emmanuel Kalngui, (Cameroon); Sandor Mulsow Flores, (Chile); Hongtao Zhang, (China); Mahmoud Samy, (Egypt); Isikeli Uluinairai Mataitoga, (Fiji); Jean-Marie Auzende, (France)*; Michael Wiedicke-Hombach, (Germany)*; Sudhakar Maruthadu, (India); Adam Mulawarman Tugio, (Indonesia)*; Elena Sciso, (Italy); Laleta Davis-Mattis, (Jamaica); Yoshiaki Igarashi, (Japan)*; Said S. Hussein, (Kenya); Elva G. Escobar, (Mexico); Miguel Dos Santos Alberto Chissano, (Mozambique)*; Kennedy Hamutenya, (Namibia); Asif Inam, (Pakistan); Andrzej Przybycin, (Poland); Woong-Seo Kim, (Republic of Korea); Sergey Ivanovich

Pyodorov, (Russian Federation); Baïdy Diène, (Senegal)*; Eusebio Lopera Caballero, (Spain); David Stewart Martin Billett, (United Kingdom).

The Legal and Technical Commission, an organ of the Council, has broad authority to oversee seabed activities. It makes recommendations to the Council on the work plans of seabed contractors, on protection of the marine environment and on the establishment of a pollution-monitoring programme. It is also empowered to supervise seabed activities, formulate and review regulations and procedures for such activities, and assess environmental implications.

Commission members are nominated by States but serve as experts rather than national representatives. They are required by the Law of the Sea Convention to “have appropriate qualifications such as those relevant to exploration for and exploitation and processing of mineral resources, oceanology, protection of the marine environment, or economic or legal matters relating to ocean mining and related fields of expertise”.

Council elections

The Assembly by a draft decision (ISBA/12/A/L.2) elected 17 members to the 36-member executive Council who will serve a four-year term beginning 1 January 2007, subject to understandings reached in the regional and interest groups.

The Council membership is drawn from five groups of States members of the Authority, four of which 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. The election, based on lists drawn up by the respective groups, was uncontested.

The 17 members elected to the Council are:

Italy and Russian Federation (Group A); France and Germany (Group B); Canada and Indonesia (Group C); Egypt; Fiji and Jamaica (Group D) and Cameroon, Cote d’Ivoire, Honduras, Mexico, Nigeria, Qatar, Republic of Korea and Viet Nam (Group E).

The breakdown of Council membership is as follows:

Group A (4 States from among the largest consumers or net importers of minerals to be derived from seabed mining):

Group B (4 States from those with the largest investment in seabed mining):

Group C (4 States that are major land-based net exporters of the minerals also found on the deep sea-bed).

Group D (6 developing States representing special interests, including those with large populations, the landlocked or geographically disadvantaged, islands, major mineral importers or potential producers, and the least developed):

Group E (18 States for geographical balance as well as balance between developed and developing States):

During elections for the first members of the Council on 18 March 1996, it was agreed to allocate 10 seats to the African Group, 9 seats to the Asian Group, 8 seats to the Western European and Others Group, 7 seats to the Latin American and Caribbean Group and 3 seats to the Eastern European Group. Since the total number of seats allocated according to that formula is 37, it was understood that for the period 2005-2008 each regional other than the Eastern European Group will relinquish a seat in rotation as follows:

a In 2005, Trinidad and Tobago relinquished its seat in Group E on behalf of the Group of Latin American and Caribbean States, which occupied six seats that year;

b In 2006, Canada will relinquish its seat on behalf of the Group of Western European States and Other States, which is occupying seven seats;

c In 2007, Senegal will relinquish its seat on behalf of the African Group, which will occupy nine seats in that year;

d In 2008, the Asian Group will occupy eight seats. It will nominate the member that will relinquish a seat in 2008.

The arrangements for Groups A and B are without prejudice to future elections for the two groups and any interim arrangements for the substitutions in those groups, according to the Assembly decision. It said Canada would relinquish its seat in Group C to Australia from 1 January 2009 for two years. Honduras would relinquish its seat in Group E from the same date also for two years.

Finance Committee elections

The election of the full slate of members of the Finance Committee followed a lengthy debate prompted by conflicting views on the interpretation of paragraphs 3 and 4 of section 9 of the Annex to the 1994 Agreement relating to the implementation of part XI of the Convention, which refer to the number of consecutive terms a member can serve.

Taking note of the differences in interpretation among member States, the Assembly elected the new Committee, on an exceptional basis and with the understanding that the election of two nominees (France and Italy) for a third term was a one-time only decision which would not constitute a precedent for future elections. It was also decided that in any future elections, States parties shall indicate their candidates at least two months before the beginning of the session.

The fifteen new members elected today to serve five-year terms on the Finance Committee from 1 January 2007 to 31 December 2011 are: (an asterisk denotes a re-elected member): Neeru Chadha (India), Domenico da Empoli (Italy)*, Denis Fontes De Souza Pinto (Brazil), Hasjim Djalal (Indonesia)*, Trecia Elliott (Jamaica), Pavel Kavina (Czech Republic), Jean-Pierre Levy, (France)*, Jian Liu (China)*, Olav Myklebust (Norway), Oleg Alekseevich Safronov (Russian Federation) Juliet Semambo Kalema (Uganda)*, Alexander Stedtfeld (Germany), Kyaw Moe Tun (Myanmar)*, Christopher Adrian Whomersley (United Kingdom), Shinichi Yamanaka (Japan).

Budget

The Assembly adopted a US\$11,782,400 budget for the Authority's operations for 2007-2008 biennium, along with a scale of assessment of members' contributions based on a United Nations model. (A US\$10,816,700 budget was adopted in 2004 for the organization's work in 2005-2006). It also adopted a resolution, (ISBA/12/A/11), to establish a special endowment fund for marine research in the international seabed Area. The fund will also support the participation of qualified scientists and technical personnel from developing countries in international marine scientific research programmes. The Secretary-General was requested to prepare, for consideration by the Council and the Assembly, rules and procedures for the administration and utilization of the fund, together with proposals.

Secretary-General's report

During the session, the Assembly discussed the report of the Authority's Secretary-General, Satya N. Nandan (ISBA/12/A/2), which reviewed the Authority's work since the eleventh session and outlined the progress of its current work programme 2005-2007. The programme would be implemented for the rest of the period with emphasis on, among others, the following: the Authority's supervisory functions covering exploration contracts; the development of an appropriate regulatory framework for the future development of the mineral resources of the international seabed Area; and the promotion and encouragement of marine scientific research in the Area.

The report said the technical capabilities of the Secretariat were further strengthened by the recruitment of a marine geologist and a geographic information systems officer. A major upgrade of the existing website - launched in 1997 - was planned this year to provide greater functionality and ease of access to users.

One of the substantive tasks undertaken by the Secretariat during the reporting period was the continued development of the central data repository. A bibliographic database was established this year, and it was intended to expand it to incorporate articles not found using initial search terms and selection criteria, including policy and legal documents. It will also include additional information on resources other than polymetallic nodules and the environments in which they occur.

The report also observes that Germany's application for registration as a seabed contractor, which was approved at the last session, represented confidence in the International Seabed Authority and in the system established to administer the resources of the Area. It was the first such new application to be made since the Convention on the Law of the Sea entered into force.

The Secretary-General's report observed that for the seven pioneer investors, 2006 marked the end of the first five-year programme of work since their contracts were issued. They had an opportunity to provide a comprehensive account of work carried out and results obtained during the period, as well as a review of the expenditure incurred.

Central Data Repository

At a meeting of the Council, two presentations were made by Secretariat officials which highlighted the task of the central data repository. One, on the Geographic Information System (GIS), revealed mapping techniques used by the Authority to determine the depth of the ocean, patterns of biodiversity and sediments, resource distribution and their economic potential, and other special features.

The other presentation highlighted the Authority's work in collecting public and private data and information on marine mineral resources and making them available to member States.

There were 2,752 data sets, describing samples and related information, on polymetallic nodules alone, and more than 3,500 samples of data on cobalt-bearing crusts, the Council was told. The Authority currently has more than 2,600 records of the geochemical elements of sulphides and information on 327 sites where the mineral is deposited. The Authority's CDR is currently accessible on the World Wide Web: <http://www.cdr.isa.org.jm/>

The Secretary-General expressed gratitude to governments, institutions, and corporations for their assistance in collecting the data, and paid tribute to his "dedicated, talented and professional" staff. Delegates praised the Secretariat for its work on the CDR saying it was a demonstration of the impact and relevance of the International Seabed Authority.

Honouring Dr. Kenneth Rattray

In a statement to the Assembly, the Minister of Foreign Affairs and Foreign Trade of Jamaica, Senator G. Anthony Hylton, announced his government's decision to name the main conference room of the Jamaica Conference Centre, which houses the headquarters of the International Seabed Authority in Kingston, "The Dr. Kenneth Rattray Conference Room". Dr. Rattray, a renowned international jurist and former Solicitor-General, represented Jamaica for many years in negotiations leading to the conclusion of the 1982 United Nations Convention on the Law of the Sea. Dr. Rattray, who died last year, is credited as being the guiding influence in the decision to choose Jamaica as the seat of the Authority.

The Authority, an autonomous intergovernmental organization with a current membership of 149, including the European Union, was established under the 1982 United Nations Convention on the Law of the Sea, as modified by the 1994 Agreement relating to the Implementation of Part IX (seabed provisions) of the Convention. Its tasks, as outlined in the Convention, are to organize and control all mineral-related activities in the international seabed area ("the Area") beyond national jurisdiction.

Membership and Attendance

Of the Authority's 149 members, 65 were in attendance at this session. The Authority's membership consists of all parties to the United Nations Convention on the Law of the Sea. The members are listed below, with an asterick (*) indicating those who participated in the twelfth session. All parties to the Law of the Sea Convention are automatically members of the International Seabed Authority.

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, Burkina Faso*, Cameroon*, Canada*, Cape Verde, Chile*, China*, Comoros, Cook Islands, Costa Rica*, Cote d'Ivoire*, Croatia, Cuba*, Cyprus, Czech Republic*, Democratic Republic of Congo*, Denmark, Djibouti, Dominica, 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 Peoples Democratic Republic, Latvia*, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia*,

Maldives, Mali, Malta*, Marshall Islands, Mauritania, Mauritius, Mexico*, Micronesia (Federated States of), Monaco, Mongolia, Mozambique*, Myanmar*, Namibia*, Nauru, Nepal, Netherlands*, New Zealand*, Nicaragua, Nigeria*, 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, 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.

Observers at the session were Colombia, Ecuador, El Salvador, Peru, United States and the United Nations.

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