

International Seabed Authority

Press Release



Thirteenth Session
Kingston, Jamaica
9 - 20 July 2007

Background Press Release

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INTERNATIONAL SEABED AUTHORITY TO GIVE PRIORITY TO REGULATIONS ON MARINE SULPHIDES AT THIRTEENTH SESSION (Kingston 9-20 2007)

The International Seabed Authority will resume work on new rules to govern prospecting and exploration for newly discovered minerals in the deep seabed with emphasis on polymetallic sulphides when it convenes its thirteenth session at its Kingston headquarters from 9 to 20 July.

The draft regulations on prospecting and exploration for polymetallic sulphides in the deep sea area beyond national jurisdiction will be given priority by the Authority's 36-member Council. This follows a decision at the twelfth session last year for two separate sets of instruments to be prepared for sulphides and cobalt-rich ferromanganese crusts respectively. A draft of the two texts produced by the Secretariat takes account of last year's debate in the Council as well as views and recommendations of a workshop – which preceded the session - on technical and economic considerations in mining the two marine minerals.

The issues before the Council on the sulphides code include the size of the area to be allocated for exploration. There seems to be general agreement on a block system for allocation. However, divergence of views has emerged on the way the blocks should be configured, the number to be allocated for exploration and those to be retained for exploitation.

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The incoming 25-member Legal and Technical Commission will consider the revised draft regulations on cobalt-rich ferromanganese crusts. An explanatory memorandum has also been prepared by the Secretariat to assist the Commission in its work.

The Authority's supreme organ, the Assembly, to which all its member States belong, will consider the annual report of the Secretary General, and also examine recommendations of the various organs. It is the turn of the African Group to nominate a candidate for the Presidency of the Assembly, and the Group of Latin American and Caribbean States to put forward a nominee for President of the Council.

The 15-member Finance Committee will consider a detailed proposal by the Secretary-General on guidelines and procedures for the use of the International Seabed Authority Endowment Fund which was established at the twelfth session.

The International Seabed Authority, with a membership of 155 (as at 30 June 2007), is an autonomous intergovernmental organization established under the 1982 United Nations Convention on the Law of the Sea as refined by the 1994 Agreement relating to Implementation of Part IX (seabed provisions) of the Convention. Its tasks, as set out in the Convention, are to organize and control all mineral-related activities in the international seabed area beyond the jurisdiction of any State. A total of 23 States are party to the Protocol on Privileges and Immunities of the Authority which entered into force on 31 May 2003.

This year marks the 25th anniversary of the opening for signature of the Convention, with more than three-quarters of the members of the United Nations also being members of the Authority. The goal of universal participation in the Authority's work envisaged in 1982 is now within reach.

REGULATIONS ON SULPHIDES

The main substantive changes introduced into the revised draft regulations (ISBA/13/C/WP.1) include the following: a new formula for determining the size of the exploration area in regulation 12; a progressive fee per block system in regulation 21; revision of the relinquishment schedule in regulation 27; and revision of the provisions relating to participation by the Authority in regulations 16 and 19. The new draft text generally follows the provisions of the Regulations

already adopted for Prospecting and Exploration for Polymetallic Nodules (ISBA/6/A/18).

The nine-part draft text, containing 43 regulations and four annexes, sets out the rules that must be followed in prospecting or exploring for polymetallic sulphides in the international seabed area.

Part I deals with the use of terms and scope of the regulations, while Part II explains how prospecting shall be conducted. General provisions on applications for contracts for exploration are dealt with in Part III. The area for exploration shall not be more than 10,000 square kilometres, consisting of 100 contiguous blocks, each of approximately 10 by 10 kilometres.

Under the provisions of Part IV, the Seabed Council has to approve any plan of work for exploration which will be of 15 years duration. There are provisions for the protection and preservation of the marine environment under Part V of the draft text, while Part VI, with its confidentiality provisions, seeks to protect proprietary data as well as information submitted by contractors. General procedures, under Part VII, require that communication by the Secretary-General or by the designated representative of the prospector, applicant or contractor shall be in writing. This requirement is satisfied by the provision of the information in an electronic document containing a digital signature.

Part VIII of the text states that the provisions of Part XI, section 5 of the Convention on the Law of the Sea shall apply for the settlement of disputes concerning the interpretation or application of the regulations. Finally, Part IX stipulates that the regulations shall govern resources other than polymetallic sulphides found by the contractors.

Polymetallic sulphides deposits are found on the deep sea bed in a variety of tectonic settings at the seafloor including mid ocean ridges and seamounts. Most of the sites discovered have been located in the Pacific and mid Atlantic Ocean.

In addition to the draft regulations, the Council will also discuss the future size and composition of the Legal and Technical 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. Over the last three elections to the Commission, its size has been expanded to

accommodate the number of candidates nominated. At the forthcoming session, the Council will have before it a report of the Secretary-General - which it had requested – on the future size and composition of the Commission and the process for future elections. The next election of all members of the Commission will be held in 2011.

REGULATIONS ON COBALT CRUSTS

The main business of the Legal and Technical Commission – its first since the election of new members at the last session – will be to examine the revised draft regulations for cobalt-rich ferromanganese crusts prepared by the Secretariat (ISBA/13/LTC/WP.1).

The text was based on the original draft regulations covering the two marine minerals (LSBA/10/C/WP.1/Rev.1) with technical adjustments reflecting recommendations from the discussions at the Authority's workshop (31 July to 4 August 2006) on technical and economic considerations relating to mining polymetallic sulphides and cobalt-rich crusts in the international seabed area that preceded the 12th session.

Cobalt-rich crusts are reportedly found frequently on seamounts throughout the ocean basins. They contain iron and manganese and are specially enriched in cobalt, manganese, lead, tellurium and platinum.

FINANCAL MATTERS

The Finance Committee will consider detailed rules and procedures for the administration and use of the newly established International Seabed Authority Endowment Fund for Marine Scientific Research in the Area prepared by the Secretary-General. The purpose of the Fund is to promote and encourage the conduct of marine scientific research in the international seabed area for the benefit of mankind as a whole, in particular by supporting the participation of qualified scientists and technical personnel from developing countries in marine scientific research programmes.

The Fund's initial capital consists of the balance of funds remaining from the application fees paid by the registered pioneer investors under resolution II of the 1982 Third United Nations Conference on the Law of the Sea. The amount, together with the accrued interest since 1987 when the first group of pioneer

investors was registered, stands at approximately \$2,800,000, according to the Secretariat. A report on the status of the Fund will be submitted to the Committee, which will also consider the audit report for 2006.

ASSEMBLY

The Assembly's first order of business will be to elect a President (from among the Group of African States members) and Vice-Presidents, followed by the adoption of its agenda for the thirteenth session. As required by article 166, paragraph 4 of the Convention on the Law of the Sea, the Secretary-General will present his annual report to the Assembly for its consideration. The report will review the Authority's work since the twelfth session, and outline the main trends of the Secretariat's future work programme.

The Assembly will also consider such other proposals and recommendations that may be referred to it by the Authority's other organs and subsidiary bodies.

MEMBERS OF THE AUTHORITY

Since the twelfth session, four more States (Belarus, Moldova, Montenegro and Niue) have become members of the Authority. As of 31 June 2007, there were 155 members of the Authority (154 States and the European Community). The list of members include:

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, Chile, China, Comoros, Cook Islands, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the 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 People's Democratic Republic, Latvia, Lebanon, Lesotho, 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, and Netherlands.

The rest are: 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, Surinam, Sweden, The Former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Vietnam, Yemen, Zambia and Zimbabwe.

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