



## Assembly

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### Thirteenth session

Kingston, Jamaica

9-20 July 2007

### Statement of the President on the work of the Assembly at the thirteenth session

1. The thirteenth session of the Assembly of the International Seabed Authority, comprising its 108th to 113th meetings, was held in Kingston from 9 to 20 July 2007.

#### Adoption of the agenda

2. At its 108th meeting, on 9 July 2007, the Assembly adopted its agenda for the thirteenth session (ISBA/13/A/1).

#### Election of the President and Vice-Presidents of the Assembly

3. At the 108th meeting, Olufolajimi Modupe Akintola (Nigeria) was elected President of the Assembly for the thirteenth session. Following consultations in the regional groups, the representatives of Honduras (Latin American and Caribbean States), Romania (Eastern European States), Republic of Korea (Asia) and the Netherlands (Western European and Other States) were elected as Vice-Presidents.

#### Appointment and report of the Credentials Committee

4. The Assembly elected a Credentials Committee in accordance with rule 24 of its rules of procedure. The Committee was composed of Australia, China, Guyana, Japan, Kenya, Malta, Panama, Poland and South Africa. Dean Bialek (Australia) was elected by the Committee as its Chairman. The Committee held one meeting on 17 July 2007.

5. The Committee examined the credentials of representatives participating in the thirteenth session of the Assembly. The Committee had before it a memorandum by the secretariat dated 17 July 2007 on the status of those credentials. The report of the Committee is contained in document ISBA/13/A/4. At its 113th meeting, on 20 July 2007, the Assembly adopted the report of the Committee. The decision of the Assembly relating to credentials is contained in document ISBA/13/A/5.

**Annual report of the Secretary-General**

6. At the 109th meeting, on 12 July 2007, the Secretary-General introduced his annual report to the Assembly (ISBA/13/A/2), as required by article 166, paragraph 4, of the United Nations Convention on the Law of the Sea. While providing the usual account of work of the Authority, over the past 12 months, the Secretary-General also reviewed the 2005-2007 programme of work and presented the Authority's proposed work programme for the period 2008-2010.

7. The Secretary-General said that as at 1 May 2007, there were 153 parties to the Convention and 127 parties to the 1994 Agreement relating to the implementation of part XI of the Convention. He urged the 26 members of the Authority who were parties to the Convention but not yet parties to the 1994 Agreement to ratify the 1994 Agreement and urged all members to ratify the two instruments in order to achieve universal participation.

8. The Secretary-General stressed the importance of the participation of members of the Authority in the work of the Authority, noting that the recurring problem of poor attendance and lack of a quorum at meetings of the Authority meant that anyone could challenge the various decisions of the bodies of the Authority, even though the decisions were by consensus. In that regard, he urged the chairman of the regional groups to raise the matter in their respective groups.

9. With regard to the substantive work of the Authority, the Secretary-General stated that as in previous periods, the substantive work of the Authority during the 2008-2010 period would focus on the scientific and technical work necessary to carry out its functions under the Convention and the 1994 Agreement, and in particular to promote a better understanding of the potential environmental impact of deep seabed mining.

10. The Secretary-General said that the secretariat would build upon the success of the Authority's international scientific workshops to expand international collaboration in marine scientific research. In the light of developments within the marine minerals sector, the Authority would closely monitor trends relating to deep seabed mineral development.

11. The Secretary-General said that the Authority would continue to discharge its supervisory functions with regard to the eight contractors and that his report on the five-year review would be presented to the Council. The Authority would continue to provide as much assistance as possible to the Legal and Technical Commission, such as the experts it had provided in the past two years to assist the Commission with the draft regulations currently being considered. On considerations relating to the future size and composition of the Legal and Technical Commission and the process for future elections, the Secretary-General added that he would like to see a system introduced where the election of the Commission's members could be staggered to provide for continuity. He asked members to consider making the adjustments mentioned in his note dated 4 June 2007 (ISBA/13/C/2).

12. The Secretary-General said that two of the main features of the Authority's work were the ongoing development of the central data repository and the establishment of a geologic model of polymetallic nodule deposits in the Clarion-Clipperton fracture zone (CCZ). The secretariat would study developments relating to the exploration and exploitation of resources of the continental shelf beyond

200 nautical miles in accordance with the provisions of article 82, paragraph 4, of the Convention.

13. The Secretary-General said that three international workshops would be convened by the Authority in the next three years: one to review the outcomes of the geologic model project, another on collaboration in marine scientific research, and the third on standardization of environmental data relating to polymetallic sulphides deposits in the Area.

14. The Secretary-General stated that the Authority would continue to work with the international scientific community and contractors to identify issues for international collaboration. As a result of its workshops, the Authority was exploring the possibility of collaboration with the Census for Marine Life.

15. The Authority would continue to gather information and to establish and develop unique databases of a scientific and technical nature, including environmental databases to cover the three mineral resources currently under consideration.

16. The Secretary-General informed the Assembly that as at 13 April 2007, 23 member States had established permanent missions to the Authority. With regard to the Protocol on the Privileges and Immunities of the Authority, as at 13 June 2007, 23 members had become parties to the Protocol. The Secretary-General emphasized the importance of the Protocol for representatives of member States attending meetings as it provided protection in respect of work and travel status.

17. The Secretary-General stated that the Authority maintained a good working relationship with the Division for Ocean Affairs and the Law of the Sea and with its fellow participants in activities such as the Oceans and Coastal Areas Network (UN-Oceans) and the United Nations Atlas of the Oceans. In April 2007, the International Tribunal for the Law of the Sea had held its second regional workshop on the role of the Tribunal in the settlement of disputes relating to the law of the sea at the premises of the Authority, including an information session on the legal and technical aspects of the Authority's work.

18. The Secretary-General reminded the Assembly that in 2006, the Authority had adopted a budget of US\$ 11,782,000 for the financial period 2007-2008. As at 30 June 2007, the Authority had received 82 per cent of assessed contributions. The Secretary-General urged the 40 States that had not yet sent in their contributions to do so. He also informed the Assembly that for the period 1998-2006 the arrears in contributions were US\$ 302,218. He reminded member States that according to article 184 of the Convention and rule 80 of the rules of procedure of the Assembly, member States in arrears for two years or more had no voting rights.

19. The Secretary-General thanked the various contributors to the voluntary trust fund including Spain, which had recently contributed US\$ 20,018, and urged other members to consider making contributions. With regard to the International Seabed Authority Endowment Fund, the Secretary-General recalled that it had been established in 2006 for the purpose of promoting and encouraging marine scientific research in the Area and creating training opportunities for qualified scientists from developing countries. The terms of reference and procedures for the fund had been submitted to the Finance Committee for its review during the current session, and following consideration by the Council would be put forward to the Assembly for its consideration.

20. The Secretary-General said that the Authority had a good reference library and website for member States and others seeking information and that requests for various types of information were growing by the year. The Authority also put out regular publications including the compendium of selected decisions, the handbook and workshop proceedings. The website had recently been upgraded to provide greater functionality for users.

21. With regard to the annual report of the Secretary-General, statements were made by the delegations of Argentina, Australia, Belgium, Brazil, China, Ghana, Guyana, Honduras, India, Indonesia, Jamaica, Mexico, New Zealand, the Netherlands, Nigeria, Poland, Portugal, Senegal, South Africa, Spain, Trinidad and Tobago, Uganda, the United Kingdom and Viet Nam, and the observer delegation of the United Nations.

22. Members expressed their general satisfaction with the detailed report and indicated their support for the work that had been undertaken during 2005-2007, describing it as commendable. One delegation, while expressing satisfaction at the depth of the scientific aspect of the next triennial programme, was of the view that marine scientific research should remain the main focus of the work of the Authority. Other delegations expressed the view that the scientific work to be undertaken by the Authority should be synchronized with the adoption of the set of regulations on polymetallic sulphides and cobalt-rich ferromanganese crusts. Considerable support was expressed for the geologic model of polymetallic nodule resources in the Clarion-Clipperton fracture zone, and several delegations voiced their interest in the model of those resources for the Central Indian Ocean basin.

23. With regard to environmental databases, the Authority was requested to expand the central data repository. The outcomes of the Kaplan project were highly commended, and a request was made to obtain the final report and to have it available for the deliberations of the General Assembly of the United Nations on marine biodiversity in marine areas beyond the limits of national jurisdiction.

24. A number of delegations expressed their satisfaction with the Authority's library and voiced appreciation for the new website. One delegation however made a request for the official documents of the first 10 sessions to be made available on the website.

25. With regard to relations with the host country, the Permanent Representative of Jamaica to the International Seabed Authority informed the Assembly that Jamaica was in the process of concluding a formal agreement with the Authority on the matter of employment of spouses of staff members.

26. One delegation sought clarification on UN-Oceans and its contribution to maritime law and law of the sea issues. The Secretary-General explained that the body was concerned with coordinating the work of the United Nations system on oceans and avoiding duplication among agencies. In previous years the group had addressed issues such as the tsunami. The work of UN-Oceans was conducted through task forces comprising interested agencies, and the task forces had a limited life. As part of UN-Oceans a website called the United Nations Atlas of the Oceans had been established, and the Authority participated in the Atlas. A number of delegations made complimentary statements about the Authority's technical and scientific workshops. The delegation of Indonesia thanked the Secretary-General for the recent seminar held in Manado, Indonesia on the work of the Authority.

Delegations wanted to know whether workshops could be held in other countries to increase awareness of the Authority's work. The Secretary-General noted that in response to earlier requests, the Authority had been scheduled to convene seminars in Brazil and Nigeria in 2007. The seminar in Brazil had been rescheduled to the first half of 2008 and in view of the recent elections in Nigeria, he awaited communication on rescheduled dates.

27. Delegations urged the 26 members of the Authority that had not yet become parties to the 1994 Agreement (see para. 7 above) to accede to it. Delegations also welcomed Belarus, Lesotho, Moldova, Montenegro, Morocco and Niue, which had become members of the Authority during 2006 and 2007.

28. Some delegations urged member States who had not ratified the Protocol on the Privileges and Immunities of the Authority to do so. Brazil announced that it hoped to ratify the Protocol by the end of the year and that the matter was being discussed by its Cabinet.

29. With regard to the budget and finance section of the Secretary-General's report (ISBA/13/A/2, sect. VIII), appeals were made to those countries in arrears in the payment of contributions to the administrative expenses of the Authority to pay their arrears as soon as possible.

30. Many delegations expressed their appreciation for the voluntary trust fund, noting that it had helped to ensure the participation of members from developing countries in meetings of the Legal and Technical Commission and the Finance Committee.

31. The establishment of a Special Endowment Fund for the promotion of marine scientific research was welcomed by many delegations, who noted that it would help scientists from developing countries to participate in activities in the Area, thus strengthening the concept of the common heritage of mankind. The representative of Senegal informed the Assembly that Senegal would be establishing a permanent mission in Jamaica later in 2007.

32. A number of delegations expressed their appreciation to the host country for its support of the Authority and the hospitality extended to representatives at sessions of the Authority.

33. With regard to the issue of poor attendance at sessions of the Authority, an appeal by the Secretary-General for delegations to impress upon their colleagues the need to participate in meetings of the Authority received warm support. In addition to expressing their support for the Secretary-General's efforts to increase the participation of members in the meetings of the Authority, a number of delegations made other suggestions. These included changing the dates of the meetings of the Authority, encouraging the representatives of member States who participated in the work of the Sixth Committee of the General Assembly of the United Nations to participate in the work of the Authority, providing annotated agendas of meetings of the Authority in hard-copy format to missions and in capitals, and sensitizing States parties that were landlocked States to the notion that the common heritage of mankind was equally applicable to them.

34. At the 111th meeting of the Assembly, on 18 July 2007, Jamaica hosted a dedication ceremony for the renaming of the main conference room of the Jamaica Conference Centre as the Kenneth Rattray Conference Room in memory of Kenneth

Ratray, an eminent jurist and Rapporteur-General of the United Nations Conference on the Law of the Sea. The ceremony was attended by the Minister for Foreign Affairs and Foreign Trade, G. Anthony Hylton, and the late Mr. Ratray's family. The President of the Assembly welcomed guests, noting that Mr. Ratray had been eminent and successful in international law.

35. The Secretary-General said that it was fitting for the main meeting room of the conference centre to be dedicated to Mr. Ratray's memory as it would ensure that Kenneth Ratray would remain a part of the history of Jamaica as well as that of the International Seabed Authority.

36. Senator G. Anthony Hylton, Minister for Foreign Affairs and Foreign Trade of Jamaica, said that the late Mr. Ratray had been an outstanding Jamaican diplomat and jurist whose commitment to the development of international law placed him in a special category. He said that Mr. Ratray would no doubt be proud of the strides the Authority had made to date in developing an appropriate regulatory framework for the future development of the mineral resources of the international deep seabed Area. Noting that 2007 marked the twenty-fifth anniversary of the adoption and opening for signature of the United Nations Convention on the Law of the Sea in Montego Bay, Jamaica, he said that the Government of Jamaica felt that the dedicating ceremony and the renaming of the main conference room would be a fitting tribute to the memory of Mr. Ratray.

37. The chairmen of the various regional groups — the United Kingdom on behalf of the Western and European Group, South Africa on behalf of the African Group, India on behalf of the Asian Group, Poland on behalf of the Eastern European Group and Honduras on behalf of the Latin American and Caribbean Group — all paid tribute to Mr. Ratray as one of the founding fathers of the law of the sea and the Authority and the concept that the ocean and its resources beyond the limits of jurisdiction should become recognized as the common heritage of mankind.

38. The late Mr. Ratray's son, Kenneth Ratray, thanked the Assembly for the tremendous honour and tributes paid to his father and expressed the hope that the sessions would always be guided by the spirit and philosophy of the stewardship of the common heritage of mankind.

#### **Report and recommendations of the Finance Committee**

39. At its 112th meeting, on 19 July 2007, the Assembly considered the report of the Finance Committee (ISBA/13/A/3-ISBA/13/C/5) and the recommendations to the Assembly and the Council contained in the report.

40. The Assembly decided to appoint Deloitte & Touche as independent auditor of the Authority for 2007 and 2008. The Assembly approved the assessed contributions of Belarus, Lesotho, Moldova, Montenegro, Morocco and Niue, which had become members in 2006 and 2007, to the administrative budget of the Authority and the Working Capital Fund for 2006 and 2007, as recommended by the Finance Committee in paragraph 11 of its report.

41. With respect to the amount of US\$ 135,000 that had been advanced to the voluntary trust fund from the application fees paid by the registered pioneer investors under resolution II of the Third United Nations Conference on the Law of the Sea since the fund's establishment, the Assembly adopted the recommendation contained in paragraph 7 of the report of the Finance Committee.

42. With respect to the terms and conditions of service of the Secretary-General, the Assembly adopted the recommendation contained in paragraph 13 of the report of the Finance Committee, to the effect that the four-year term of office would commence on 1 January in the year following election and end on 31 December of the fourth year.

**Terms of reference, guidelines and procedures for the International Seabed Authority Endowment Fund**

43. At its 112th meeting, the Assembly, acting on the recommendation of the Finance Committee, decided to adopt the terms of reference, guidelines and procedures for the International Seabed Authority Endowment Fund. The decision of the Assembly is contained in document ISBA/13/A/6, to which the terms of reference, guidelines and procedures for the International Seabed Authority Endowment Fund are attached.

**Date of the next session of the Assembly**

44. The next session of the Assembly will be held from 26 May to 6 June 2008.

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