



## Council

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### Sixteenth session

Kingston, Jamaica  
26 April-7 May 2010

## Statement of the President of the Council of the International Seabed Authority on the work of the Council during the sixteenth session

1. The sixteenth session of the International Seabed Authority was held at Kingston, Jamaica, from 26 April to 7 May 2010.

### I. Adoption of the agenda

2. At its 150th meeting, on 27 April 2010, the Council adopted its agenda for the sixteenth session, as contained in document ISBA/16/C/1.

### II. Election of the President and Vice-Presidents of the Council

3. At its 151st meeting, on 28 April 2010, the Council elected Syamal Kanti Das (India) as President of the Council for 2010. Subsequently, following consultations in the regional groups, the Council elected as Vice-Presidents the representatives of Côte d'Ivoire (Group of African States), Poland (Group of Eastern European States), Trinidad and Tobago (Group of Latin American and Caribbean States) and Italy (Group of Western European and other States).

### III. Report of the Secretary-General concerning the credentials of members of the Council

4. At the 157th meeting of the Council, on 4 May 2010, the Secretary-General informed the Council that, as of 4 May 2010, credentials had been received from 35 members of the Council. It was noted that, in accordance with the system agreed for the allocation of seats among the regional groups at the first election of the Council, France, on behalf of the Group of Western European and other States,

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\* Reissued for technical reasons.

would participate in the meetings of the Council in 2010 without the right to vote. In 2011, it would be the turn of the African Group of States to nominate a member of the Council to participate in the meetings of the Council without the right to vote.

#### **IV. Draft regulations on prospecting and exploration for polymetallic sulphides in the Area**

5. The Council continued its consideration of outstanding issues with respect to the draft regulations on prospecting and exploration for polymetallic sulphides in the Area. The Council conducted its deliberations on the basis of a revised text of the draft regulations prepared by the secretariat and issued under symbol ISBA/15/C/WP.1/Rev.1. Revisions were agreed to draft regulation 23. The Council also adopted draft decision ISBA/16/C/L.6, in which it set out, in the annex thereto, certain special procedures relating to overlapping claims, to have effect for a period of one year following the date of adoption of the regulations.

6. At its 161st meeting, on 6 May 2010, the Council adopted the Regulations on prospecting and exploration for polymetallic sulphides in the Area, as contained in document ISBA/16/C/L.5 of 4 May 2010. The Council noted that the secretariat would, in due course, issue a definitive text of the Regulations in all official languages, and that any linguistic changes of a draft-related nature should be submitted within a period of three months. The decision of the Council relating to the Regulations is contained in document ISBA/16/C/12.

#### **V. Proposal to seek an advisory opinion from the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea on matters relating to the responsibility and liability of sponsoring States**

7. At its 155th and 160th meetings, on 3 and 6 May 2010, respectively, the Council considered a proposal submitted by the delegation of Nauru to seek an advisory opinion from the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea on matters relating to responsibility and liability of sponsoring States (ISBA/16/C/6). The Council agreed that, since the developmental activities in the Area had already commenced, the issue of responsibility and liability of the sponsoring State was a matter of concern to all States and should therefore be delinked from the request of the delegation of Nauru.

8. At its 161st meeting, on 6 May 2010, the Council decided, in accordance with article 191 of the Convention, to request the Seabed Disputes Chamber to render an advisory opinion on the following questions:

(a) What are the legal responsibilities and obligations of States parties to the Convention with respect to the sponsorship of activities in the Area in accordance with the Convention, in particular part XI, and the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982?

(b) What is the extent of liability of a State party for any failure to comply with the provisions of the Convention, in particular Part XI, and the 1994

Agreement, by an entity whom it has sponsored under article 153, paragraph 2 (b), of the Convention?

(c) What are the necessary and appropriate measures that a sponsoring State must take in order to fulfil its responsibility under the Convention, in particular under article 139 and annex III, and the 1994 Agreement?

9. The decision of the Council in this respect is contained in document ISBA/16/C/13. The Council requested the Secretary-General to transmit the request to the Seabed Disputes Chamber in due course.

## **VI. Draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area**

10. At its 159th meeting, on 5 May 2010, the Council took up consideration of the draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area. The Council noted that the draft regulations as proposed by the Legal and Technical Commission in 2009 were contained in the annex to document ISBA/16/C/WP.2. The Council further noted that the draft regulations proposed by the Commission would require further revision in order to bring them into alignment with the text of the Regulations on prospecting and exploration for polymetallic sulphides in the Area, as adopted by the Council during its present session. Some general comments were exchanged concerning the issues that the Council would need to discuss in more detail in relation to the draft regulations, including that of the appropriate size and configuration of areas for exploration. However, as insufficient time was available to undertake a detailed examination of the draft regulations, the Council agreed to take this matter up at its next session, in 2011. The secretariat was requested to provide a revised text of the draft regulations, taking into account the need to bring the draft regulations into alignment with the Regulations on prospecting and exploration for polymetallic sulphides in the Area. An informal advance text, in English only, of such a draft was circulated on 6 May 2010 under symbol ISBA/16/C/CRP.1, dated 29 November 2009. The delegation of China also circulated, on 6 May 2010, an informal proposal on the draft regulations.

## **VII. Size and composition of the Legal and Technical Commission**

11. At its 152nd and 153rd meetings, on 29 and 30 April 2010, respectively, the Council considered the question of the size and composition of the Legal and Technical Commission. The Council recalled that, at the thirteenth session in 2007, it had decided on a streamlined procedure for the nomination of candidates for election to the Commission (ISBA/13/C/6) and had also requested the Secretary-General to prepare a report, for consideration at the present session, on the functioning of the Commission, with a view to the determination by the Council, in 2010, of the number of members of the Commission to be elected in 2011.

12. After considering the note by the Secretary-General on this matter (ISBA/16/C/3), the Council expressed satisfaction with the work of the Legal and Technical Commission and the manner in which it had functioned over the past five years; took note of the view expressed by the Commission through its Chairman to the effect that the current size of the Commission had not prevented it from carrying

out its work effectively and efficiently; and emphasized that the Commission needed to maintain a wide range of expertise to enable it to carry out its complex work.

13. With respect to the election of members of the Commission to be held in 2011, the Council agreed that the procedures set out in document ISBA/13/C/6 must be applied strictly. The Council also agreed that, for the 2011 election, the size of the Commission may be increased, having due regard to economy and efficiency, to up to 25 members, without prejudice to future elections.

## **VIII. Proposed amendments to the Staff Regulations of the Authority**

14. At its 154th meeting, on 3 May 2010, the Council considered proposed amendments to the Staff Regulations of the Authority as set out in document ISBA/16/C/4. In this regard, the Council took note of the need to reflect the changes in the system of administration of justice in the United Nations and to bring the Staff Regulations of the Authority, which had been adopted in 2001, into line with changes made in the Staff Regulations of the United Nations.

15. The Council took note of the agreement between the Secretary-General of the United Nations and the Secretary-General of the Authority extending the competence of the United Nations Appeals Tribunal to the Authority with respect to applications alleging non-compliance with the terms of appointment or contracts of employment of staff members of the Authority, as set out in annex I to document ISBA/16/C/4. The Council also decided to adopt and apply provisionally, pending approval by the Assembly, the revisions to the Staff Regulations of the Authority, as set out, in tabular form, in annex II to document ISBA/16/C/4. The decision of the Council in this respect is contained in document ISBA/16/C/9.

## **IX. Budget of the Authority and scale of assessment for contributions of members of the Authority to the administrative budget**

16. At its 154th meeting, on 3 May 2010, the Council considered the budget of the Authority for the financial period 2011-2012. In considering the proposed budget, the Council took into account the recommendations of the Finance Committee as contained in document ISBA/16/A/5-ISBA/16/C/8. The Council decided to recommend to the Assembly for adoption the budget of the Authority for the financial period 2011-2012 in the amount of \$13,014,700.

17. With respect to the proposed scale of assessment for contributions of members of the Authority to the administrative budget for the financial period 2011-2012, the Council noted that there had been no change in the long-standing methodology for calculation of the scale of assessment, which is based on the scale used for the regular budget of the United Nations. The Council also noted that the Finance Committee had reiterated its encouragement to observer States to the Authority to consider making voluntary contributions to the budget of the Authority.

18. The decision of the Council in relation to the budget and related matters is contained in document ISBA/16/C/10.

## **X. Report of the Legal and Technical Commission**

19. At its 152nd meeting, on 29 April 2010, the Council received the summary report of the Chairman of the Legal and Technical Commission on the work of the Commission during the sixteenth session (ISBA/16/C/7), as presented by Miguel dos Santos Alberto Chissano, Chairman of the Commission. The Council took note of the report, in particular of the Commission's request for a detailed analysis of the actual and direct exploration expenditure reported by contractors against the Recommendations for the guidance of contractors for the reporting of actual and direct exploration expenditures, issued by the Commission on 25 May 2009 (ISBA/15/LTC/7).

## **XI. Next meeting of the Council**

20. The next meeting of the Council will be held in Kingston from 25 April to 6 May 2011. It will be the turn of the Group of Eastern European States to nominate a candidate for the Presidency of the Council in 2011.

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