

INTERNATIONAL SEABED AUTHORITY

Council



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INTERNATIONAL SEABED AUTHORITY
Fifth session
Kingston, Jamaica
9-27 August 1999

STATEMENT OF THE PRESIDENT ON THE WORK OF THE COUNCIL AT THE FIFTH SESSION

1. The fifth session of the International Seabed Authority was held at Kingston, Jamaica, from 9 to 27 August 1999.

Adoption of the agenda

2. At its 43rd meeting, on 9 August 1999, the Council adopted the agenda for the fifth session (ISBA/5/C/5).

Election of the President and Vice-Presidents of the Council

3. At the 63rd meeting, Mr. Charles Manyang D'Awol (Sudan) was elected President of the Council for 1999. Subsequently, following consultations in the regional groups, the representatives of Chile (Latin American and Caribbean Group), Australia (Western European and Others Group), Indonesia (Asian Group) and Poland (Eastern European Group) were elected as Vice-Presidents.

Election of members of the Legal and Technical Commission

4. At the beginning of the session, the Council was informed of the resignation from the Legal and Technical Commission of Mr. José de Jesús Conejo (Costa Rica) and Mr. H. P. Rajan (India). Following their nomination by their respective Governments and in accordance with article 163, paragraph 7, of the Convention, the Council, at its 44th meeting, on 10 August 1999, elected Mr. S. K. Das (India) to fill the vacancy left by the resignation of Mr. Rajan for the remainder of Mr Rajan's five-year term, and, at its 48th meeting, on 17 August 1999, Mr. Walter de Sá Leitão (Brazil) to fill the vacancy left by the resignation of Mr. Conejo for the remainder of Mr. Conejo's five-year term.

5. Following a proposal by the Chairman of the Latin American and Caribbean Group, the Council agreed that they could propose an additional candidate for

election to the Legal and Technical Commission for the remainder of the term of office. Such election would be without prejudice to future elections to the Commission and future decisions relating to the number of members of the Commission. The Council further agreed to consider such a candidate at the earliest possible opportunity.

Consideration of the draft regulations for prospecting and exploration for polymetallic nodules in the Area

6. The Council held informal meetings from 10 to 13 August 1999 to continue the examination it had begun at the fourth session (1998) of the text of the draft regulations on prospecting and in exploration for polymetallic nodules in the Area (the mining code) proposed by the Legal and Technical Commission (ISBA/4/C/4/Rev.1). In the light of the discussions, the secretariat, together with the President, prepared a revised text (ISBA/5/C/4 and Corr.1 and ISBA/5/C/4/Add.1 and Corr.1). In further informal meetings on 23 and 24 August, the Council examined the preamble and part of regulation 1 of the revised text.

Headquarters Agreement

7. At its 54th meeting, on 24 August 1999, the Council took up the matter of the draft agreement between the International Seabed Authority and the Government of Jamaica regarding the headquarters of the Authority (ISBA/3/A/L.3-ISBA/3/C/L.3 and Corr.1). The Council recalled that, at the second session of the Authority, in 1996 (see ISBA/C/11), it had requested the Secretary-General to negotiate with the Government of Jamaica an agreement regarding the headquarters of the Authority, taking into account the draft of such an agreement prepared by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea (LOS/PCN/WP.47/Rev.2). The Council further recalled that the draft agreement contained in ISBA/3/A/L.3-ISBA/3/C/L.3 and Corr.1 had been submitted for its consideration at the third session of the Authority in 1997. At that time, however, it had not been possible to resolve all the remaining areas of difficulty with respect to the matters contained in article 2 of the draft agreement.

8. The Council was informed that the Secretary-General had prepared a report on considerations relating to the offer of the Government of Jamaica for the headquarters of the Authority (ISBA/5/A/4 and Add.1). The report had been considered by the Finance Committee, which had recommended that the Assembly approve the recommendations of the Secretary-General contained in the report and that the Secretary-General pursue his negotiations with the host country, based on the most complete information available, in order to secure the best terms for the maintenance of the premises of the Authority. The Council was further informed that, with respect to the draft headquarters agreement, the Secretariat had been able to resolve all outstanding issues with the Government of Jamaica.

9. The Council decided to recommend to the Assembly that it approve the Agreement between the International Seabed Authority and the Government of Jamaica regarding the headquarters of the International Seabed Authority as contained in ISBA/3/A/L.3-ISBA/3/C/L.3 and Corr.1 and, taking into account the recommendations of the Finance Committee, to further recommend that the Assembly

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accept the offer of the Government of Jamaica of the building located at Block 11, 14-16 Port Royal Street, Kingston, as the permanent headquarters of the Authority on the terms set out in the report of the Secretary-General on considerations relating to the offer of the Government of Jamaica for the headquarters of the Authority (ISBA/5/A/4 and Add.1). The Council also decided to recommend to the Assembly that it request the Secretary-General to negotiate with the Government of Jamaica, pursuant to article 2 of the Agreement, a supplementary agreement concerning the use and occupation of the permanent headquarters. The decision of the Council relating to the headquarters of the Authority is contained in document ISBA/5/C/9.

Report of the Legal and Technical Commission

10. The Chairman of the Legal and Technical Commission, Mr. Jean-Pierre Lenoble (France), reported to the Council on the work of the Commission at the fifth session (ISBA/5/C/6). The Chairman noted that it was unfortunate that some members of the Commission had failed to attend meetings of the Commission, during both the fourth session and the fifth session of the Authority. In commenting upon the report of the Chairman of the Commission, several members of the Council raised the issue of the financing of the participation in the work of the Commission by members of the Commission from developing countries. It was suggested that consideration should be given to the establishment of a fund whereby the Authority could bear the cost of such participation. It was also suggested that the Secretary-General should notify the Council of the absence of members of the Commission. The Council encouraged all members of the Commission to attend meetings of the Commission and requested the Secretary-General, when notifying members of the date of the meeting, to write both to the members individually and to their respective Governments. In the case of members who had not attended consecutive meetings of the Commission, the Council requested the Secretary-General to ascertain whether such members intended to maintain their seats on the Commission.

11. The Council noted that the Commission had again requested the Authority to convene a workshop on minerals other than polymetallic nodules. It was further noted that such a workshop was planned for 2000. The Council also noted the Commission's request that, for the sixth session, the Secretariat should prepare a study that would, *inter alia*, identify international data repositories that collected environmental data required to monitor the impact of activities in the Area, identify gaps in their data coverage, formulate a plan for the retrieval of appropriate data from such sources and make recommendations for the development of a database for the analysis and synthesis of such data. The Commission also recommended that all registered pioneer investors should make their environmental data on claim sites available to the Authority for that purpose.

Budget of the Authority for 2000 and assessment of contributions of members of the Authority

12. The Council considered the proposed budget for the Authority for 2000 as contained in the report of the Secretary-General (ISBA/5/A/2-ISBA/5/C/2 and Add.1/Rev.1). In reviewing the proposed budget, the Council took into account the recommendations of the Finance Committee as contained in its report of

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20 August 1999 (ISBA/5/A/8-ISBA/5/C/7). The Council recommended to the Assembly for adoption the revised budget of the Authority for 2000 in the sum of US\$ 5,275,200. With respect to the scale of assessment of contributions of members to the administrative budget, the Council recommended that the Assembly authorize the Secretary-General to establish the scale of assessment for 2000 based on the scale used for the regular budget of the United Nations for 1999, as recommended in paragraph 7 of the report of the Finance Committee.

13. In adopting the budget, the Council further decided to recommend to the Assembly that, in order to enable the Council to complete its work on the mining code during 2000, there should be two two-week sessions of the Authority in 2000, without prejudice to the future work pattern of the Authority. The decision of the Council relating to the budget of the Authority for 2000 is contained in document ISBA/5/C/8.

Financial regulations of the Authority

14. The Council considered the draft financial regulations of the Authority as proposed by the Finance Committee (ISBA/4/C/L.3). Following a detailed examination of the draft regulations, the Secretariat prepared a revised text for further consideration by the Council (ISBA/5/C/L.3). At its 57th meeting, on 26 August 1999, the Council decided to adopt and apply provisionally the draft financial regulations, pending their approval by the Assembly (ISBA/5/C/10).

Rules of procedure of the Legal and Technical Commission

15. The Council considered the draft rules of procedure of the Legal and Technical Commission proposed by the Commission (ISBA/5/C/L.1). Following detailed examination of the draft, the Secretariat prepared a revised text for further consideration by the Council (ISBA/5/C/L.1/Rev.1). After further consideration of the draft, at its 58th meeting, on 26 August 1999, the Council approved the rules of procedure as contained in ISBA/5/C/L.1/Rev.2, with the exception of rules 6 and 53, which are to be considered further at the sixth session of the Authority. The Council noted that the understanding reached at the third session of the Authority relating to participation by observers in the work of the Commission (ISBA/3/C/11) continued to apply pending final approval of the rules of procedure of the Commission.

Staff regulations

16. The Council did not have sufficient time to consider the draft staff regulations of the Authority. Consideration of the matter was deferred to the sixth session.

Next meeting of the Council

17. The next meeting of the Council will be held at Kingston, Jamaica, from 20 to 31 March 2000.

18. With respect to the organization of work for the sixth session of the Authority, priority will be given to the work of the Council on the draft mining

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code, with a view to adopting the code during 2000. In order to make best use of the available time, the Assembly will meet at 11.30 a.m. on the first day of the session.

19. The matters on the agenda for the sixth session include the election of the Presidents of the Assembly and the Council, consideration of the draft mining code, consideration of the staff regulations of the Authority and the election of one half the members of the Council in accordance with article 161, paragraph 3, of the Convention. The Legal and Technical Commission will continue its work on the draft environmental guidelines.

20. To advance the work of the Council on the draft mining code, the Secretary-General will consult with the incoming President of the Council and with the regional groups and interest groups with a view to identifying the main areas of difficulty in the draft code and the most efficient working method which would enable the outstanding issues to be resolved.
