



Assembly

Distr.: General
18 August 2006

Original: English

Twelfth session

Kingston, Jamaica

7-18 August 2006

Statement of the President on the work of the Assembly at the twelfth session

1. The twelfth session of the Assembly of the International Seabed Authority was held at Kingston, from 7 to 18 August 2006. The Assembly held its 102nd to 107th meetings.

Adoption of the agenda

2. At its 102nd meeting, on 7 August 2006, the Assembly adopted its agenda for the twelfth session (ISBA/12/A/1).

Election of the President and Vice-Presidents of the Assembly

3. At the 103rd meeting, on 10 August 2006, Sainivalati S. Navoti (Fiji) was elected President of the Assembly for the twelfth session. Following consultations in the regional groups, the representatives of Kenya (African States), Chile (Latin American and Caribbean States), Czech Republic (Eastern European States) and Canada (Western European and Other States) were elected as Vice-Presidents.

Appointment of the Credentials Committee

4. The Assembly elected a Credentials Committee in accordance with rule 24 of its rules of procedure. The following were elected as members of the Credentials Committee: Australia, China, Finland, Jamaica, Japan, Mexico, Namibia, Russian Federation and the United Republic of Tanzania. Subsequently, Anna Sotaniemi (Finland) was elected by the Committee as its Chairman. The Committee held one meeting on 15 August 2006.

5. The Committee examined the credentials of representatives participating in the current session of the Assembly. The Committee had before it a memorandum by the Secretariat dated 15 August 2006 on the status of those credentials. The report of the Committee is contained in document ISBA/12/A/8. At its 104th meeting, the Assembly adopted the report of the Committee. The decision of the Assembly relating to credentials is contained in document ISBA/12/A/9.

Election to fill vacancies on the Finance Committee

6. At its 102nd meeting, the Assembly elected Shinichi Yamanaka (Japan) and Pavel Kavina (Czech Republic) as members of the Finance Committee to replace Tadanori Inomata (Japan) and Antonin Pařízek (Czech Republic), respectively.

Annual report of the Secretary-General

7. At the 103rd meeting, the Secretary-General introduced his annual report to the Assembly (ISBA/12/A/2 and Corr.1), as required by article 166, paragraph 4, of the United Nations Convention on the Law of the Sea. The Secretary-General reviewed the Authority's work since the eleventh session and outlined the progress that had been made in the implementation of its work programme for the period 2005-2007. He informed the Assembly that the programme would continue to be implemented, with emphasis on, *inter alia*, 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.

8. The Secretary-General stated that, in line with the proposals presented in the work programme, the structure of the secretariat had continued to evolve in 2005. In that regard, he pointed out that the technical capabilities of the secretariat had been further strengthened through the recruitment of a marine geologist and a geographic information systems officer.

9. He informed the Assembly that one of the substantive tasks undertaken by the secretariat during the reporting period was the continued development of the Central Data Repository. In addition, he stated that a bibliographic database that had been established during the reporting period was to be expanded in 2007 to incorporate research papers not previously found using initial search terms and general selection criteria, and to include policy and legal documents as well. The Secretary-General said that the expansion of the bibliographic database would also include additional information on resources other than polymetallic nodules and the environments in which those resources occur.

10. He informed the Assembly that a major upgrade of the Authority's website, which was launched in 1997, was to be undertaken in 2007 in an effort to provide greater functionality and ease of access to users.

11. With regard to contractors for polymetallic nodules, the Secretary-General noted that the application submitted by Germany for an exploration contract for polymetallic nodules, which was approved at the eleventh session, represented confidence in the International Seabed Authority and in the system established to administer the resources of the Area. He further noted that the application was the first new one to be submitted since the Convention on the Law of the Sea had entered into force.

12. With regard to the seven former registered pioneer investors, who are currently exploration contractors with the Authority for polymetallic nodules, the Secretary-General informed the Assembly that 2006 marked the end of the first five-year period since their contracts were issued. It therefore provided an opportunity for them to submit a comprehensive account of their work and the results obtained during the period, as well as a review of their expenditures.

13. Finally, the Secretary-General said that it was proposed to convene a workshop in 2007 on the standardization of environmental data and information required to be submitted by contractors under the new regulations currently being elaborated.

14. Following the presentation by the Secretary-General, the Minister for Foreign Affairs and for Foreign Trade of Jamaica, G. Anthony Hylton, made a statement on behalf of the Government of Jamaica, the host country of the Authority.

15. The Minister reiterated the full commitment of the Government of Jamaica to providing an environment worthy of an intergovernmental organization within the United Nations system, whose mandate was to administer the resources of the international seabed area to ensure the equitable sharing of the economic benefits that would be obtained through the conduct of activities in the Area by the international community.

16. The Minister announced his Government's decision to name the main room of the Jamaica Conference Centre, the "Dr. Kenneth Rattray Conference Room", following proposals made in that regard at the eleventh session, when the Assembly paid tribute to Dr. Kenneth Rattray, who passed away on 3 January 2005. 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 was for many years the Permanent Representative of Jamaica to the International Seabed Authority.

17. With regard to the annual report of the Secretary-General, statements were made by the delegations of Argentina, Australia, Bahamas, Belgium, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Germany, Ghana, India, Indonesia, Jamaica, Kenya, Malta, Mexico, Namibia, New Zealand, Senegal, Sudan, South Africa, Trinidad and Tobago and the United Kingdom of Great Britain and Northern Ireland. The observer delegation of the United Nations also made a statement. Members expressed their general satisfaction with the detailed report and indicated their support for the work that had been undertaken during 2005, describing it as commendable.

18. Many delegations requested the 26 members of the Authority that had not yet become parties to the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea to do so. Some of the 20 delegations who had ratified the Protocol on Privileges and Immunities reminded members who had not ratified the Protocol of the need for members of the Authority to be fully protected and to be allowed the necessary courtesies while they are performing work on behalf of their Governments at sessions of the Authority. In that regard it was pointed out that States that had not done so should ratify the Protocol because it would enhance the capacity of the Authority to discharge its mandate under the Convention. Mexico announced that it would soon ratify the Protocol.

19. With regard to the voluntary trust fund, many delegations expressed their appreciation for it, 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.

20. The proposal for 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.

21. 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. The Assembly congratulated the host country on the occasion of its forty-fourth year of independence. The decision to rename the main room of the Jamaica Conference Centre after Dr. Rattray was applauded by many delegations.

22. A number of delegations also expressed their appreciation for the relations developed by the Authority with the United Nations and with other bodies. In that regard, the Secretary-General was requested to continue to contribute to the meetings of States parties to the Convention, and to participate in meetings on issues of biodiversity beyond the limits of national jurisdiction. Other delegations expressed interest in the work on the United Nations Atlas of the Oceans and the Authority's contributions to it. The Authority was encouraged to continue its collaboration in furtherance of marine scientific research in the Area. The Kaplan project was described as placing the Authority in a unique position to contribute to international efforts for the conservation and sustainable use of biodiversity in the deep seabed.

23. With regard to section IX of the report (Budget and Finance), 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. It was suggested that the secretariat should provide such members with more frequent reminders, since in many instances the amounts involved should not pose major difficulties to members.

24. Some delegations indicated their preference for a zero-growth budget and pointed out that their acceptance of the budget for the financial period 2007-2008 was based on the fact that a number of the budget lines that showed growth were beyond the control of the Secretary-General.

25. The Assembly took note of the substantive work of the Authority outlined in section XI of the report. Support was expressed for the Authority's efforts in respect of the protection of the marine environment and biodiversity in the Area. Support was also expressed for work on information and data relating to the Area, the proposed upgrading of the Authority's website, the geological model of polymetallic nodules in the Clarion-Clipperton Zone and for the Kaplan project.

26. Finally, 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. Issues were raised about the timing of sessions, and it was suggested that the option of using alternative sources for conference servicing should be investigated. Another proposal was for the Secretary-General to target landlocked countries, since they were the largest group of absentees and might not fully realize the relevance of ocean and seabed issues to their countries.

Budget of the Authority for the financial period 2007-2008

27. At its 104th meeting, the Assembly considered the proposed budget of the Secretary-General for the financial period 2007-2008 (ISBA/12/A/3/Rev.1) and the report and recommendations of the Finance Committee (ISBA/12/A/7-

ISBA/12/C/9), noting that the recommendations had been considered and approved by the Council. At its 104th meeting (see ISBA/12/A/10), the Assembly, on the recommendation of the Council, decided to:

(a) Adopt the budget of the Authority for the financial period 2007-2008 in the amount of 11,782,400 United States dollars;

(b) Authorize the Secretary-General to establish the scale of assessments for 2007 and 2008 based on the scale used for the regular budget of the United Nations for 2006 and 2007, taking into account that the maximum assessment rate would be 22 per cent and the minimum rate 0.01 per cent;

(c) Authorize the Secretary-General, for 2007 and 2008, to transfer between appropriation sections up to 20 per cent of the amount in each section;

(d) Urge the members of the Authority to pay their assessed contributions to the budget on time and in full.

28. The Assembly also adopted a resolution establishing an endowment fund for marine scientific research in the Area (ISBA/12/A/11).

29. With regard to the endowment fund, substantial debate took place on ensuring that the proposed fund would not be depleted, but used for the purposes intended. It was agreed that restrictions on transfer of monies from the fund to the voluntary trust fund would be incorporated in a comprehensive set of rules and procedures for the operation of the fund. Such transfers shall be made only as a last resort. The rules and procedures are to be prepared for the Council's consideration at its thirteenth session.

30. Brazil announced that it would contribute \$10,000 to the voluntary trust fund. The head of the delegation of Nigeria, Aliyu Babangida, made a personal contribution of \$500 to the voluntary trust fund.

Elections to fill vacancies on the Council

31. At its 106th meeting, following consultations with regional and interest groups, the Secretary-General announced the names of 17 members of the Assembly that had been nominated by each interest group for election to the Council for the period from 1 January 2007 to 31 December 2010, subject to the understandings reached. Subsequently, the Assembly, in accordance with article 161, paragraph 3, of the Convention, elected the 17 members, and adopted the following draft decision (ISBA/12/A/L.2):

Draft decision of the Assembly of the International Seabed Authority relating to the election to fill the vacancies on the Council of the Authority, in accordance with article 161, paragraph 3, of the United Nations Convention on the Law of the Sea

The Assembly of the International Seabed Authority,

Recalling that, in accordance with article 161, paragraph 3, of the United Nations Convention on the Law of the Sea,

Elections shall take place at regular sessions of the Assembly. Each member of the Council shall be elected for four years.

Elects the following to fill the vacancies in the Council for a four-year period as from 1 January 2007, subject to the understandings reached in the regional and interest groups:

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

Italy

Russian Federation

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

France

Germany

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

Canada

Indonesia

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)

Egypt

Fiji

Jamaica

Group E (18 States reflecting the principle of geographical distribution as well as a balance between developed and developing States):

Cameroon

Côte d'Ivoire

Honduras

Mexico

Nigeria

Qatar

Republic of Korea

Viet Nam

Election of members of the Finance Committee

32. In its consideration of the agenda item, the Assembly recognized that there were perceived differences in the interpretation of the combined effect of paragraphs 3 and 4 of section 9 of the annex to the 1994 Agreement. Following an extensive exchange of views, the Assembly proceeded to the election of the members of the Finance Committee. The Assembly decided to elect all 15 nominees, on an exceptional basis, with the understanding that the election of two nominees (from

France and Italy) for a third term was a one-time only decision that would not constitute a precedent for future elections, and that for future elections, States parties would indicate their candidates at least two months before the beginning of the session.

33. Statements were made on behalf of the Group of Latin American and Caribbean States, indicating that a candidate could not be eligible for a third consecutive term if he/she had served for two consecutive terms in accordance with paragraph 4. That view was supported by some delegations. Other delegations, however, did not share that view in the light of the provisions of paragraph 3, which entitled the five largest contributors to be represented on the Committee.

34. The members of the Finance Committee for the period from 1 January 2007 until 31 December 2011 are:

Liu Jian, China

Denis Fontes De Souza Pinto, Brazil

Oleg Alekseevich Safronov, Russian Federation

Alexander Stedtfeld, Germany

Juliet Semambo Kalema, Uganda

Hasjim Djalal, Indonesia

Christopher Adrian Whomersley, United Kingdom of Great Britain and Northern Ireland

Neeru Chadha, India

Shinichi Yamanaka, Japan

Jean-Pierre Lévy, France

Domenico da Empoli, Italy

Olav Myklebust, Norway

Pavel Kavina, Czech Republic

Kyaw Moe Tun, Myanmar

Trecia Elliot, Jamaica

Dates of the next session of the Assembly

35. The next session of the Assembly will be from 9 to 20 July 2007.
