

International Seabed Authority

Press Release



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Council (AM)

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11 August 2006**

SEABED COUNCIL EXAMINES LEGAL AND TECHNICAL COMMISSION REPORT

The Council of the International Seabed Authority this morning took note of the report of its Legal and Technical Commission which covered a number of issues including annual reports of contractors prospecting for minerals in the international seabed Area and marine environmental issues.

The Commission, in the report (ISBA/12/C/8), suggested that the Council should allow it to refine and improve the draft regulations for cobalt-rich ferromanganese crusts and polymetallic sulphides in the light of knowledge made available at a workshop (Kingston, 31 July to 4 August) on the technological and economic aspects of mining the two minerals.

It said that during its discussions of a report on the workshop, it considered the possibility of dealing with parallel, but separate, sets of regulations for each resource. It indicated that it would be ready to review the draft regulations in light of that new knowledge, as well as other new information concerning those resources.

Topics discussed by the Commission at its meetings from 7 to 11 August were the annual reports of the contractors; an update on progress in the geological model on polymetallic nodule deposits in the Clarion-Clipperton fracture zone; a report on the workshop on cobalt-rich crusts and the diversity and distribution patterns of seamount fauna; a proposal to establish a mineral resource/reserve classification system for the international seabed Area; environmental issues in a broader context within the Commission's mandate; and a report on a workshop on mining of cobalt-rich ferromanganese crusts and polymetallic sulphides – technical and economic considerations.

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At its first meeting, the Commission elected Lindsay Parson as its Chairman, with Yoshiaki Igarashi as Vice-Chairman.

Annual reports of contractors

The Commission, in closed meetings, evaluated the fifth set of annual reports of the seven contractors- Deep Ocean Resources Development Ltd. (DORD), the Government of the Republic of Korea, China Ocean Mineral Resources Research and Development Association (COMRA), Yuzhmorgeologiya, Interoceanmetal Joint Organization (IOM), l'Institut Français de Recherche pour l'Exploitation de la Mer (IFREMER), and the Government of India.

The Commission noted that for the most part, the annual reports provided a significant amount of information about the activities of the contractors, greatly facilitating its work. It further noted that the amount and the quality of information provided by the contractors had steadily improved over the five years of reporting, and expressed its gratitude to them. Nonetheless, the Commission requested that the contractors should, wherever possible, ensure that any illustrative material provided by them was appropriately and clearly annotated. Contractors should also clearly identify work undertaken according to the contract at any time other than the current reporting year.

The Commission requested the Secretary-General to provide clarification on the body qualified to certify a breakdown of expenditure in the case of a contractor being a State or a State enterprise given that it could not be the operator itself.

Geological model of the CCZ

The Commission was presented with a progress report on the geological model on polymetallic nodule deposits in the Clarion-Clipperton fracture zone (ISBA/12/LTC/CRP.3). A number of milestones established as part of the phases of the project had been reached and the model was in robust form. It was reported particularly that the contractors on the project had made major contributions of data and analyses of its predictive component. The model would now move into a phase of consolidation and conclusion, and it was anticipated that a full meeting of the consultants and experts engaged in it would take place later this year to finalize the project.

Report on workshop on cobalt-rich-crusts

The Commission said it had noted the principal conclusions of the workshop (27-31 March 2006) on cobalt-rich crusts and the diversity and distribution patterns of seamount. The workshop had strongly recommended that a number of marine research cruises be carried out to improve the knowledge base on the subject. Guidelines for the establishment of environmental baselines were extremely difficult to finalize because of the paucity of data. The Commission suggested that the Secretariat should collaborate further with the wider scientific community to promote and establish international collaborative programmes to improve the understanding of

this environment. The Commission said it was informed that older relevant biological archive datasets existed and it suggested that those should be made available to the Secretariat, preferably as part of the Authority's Central Data Repository system.

Proposal on mineral resource classification system

The Commission said it agreed to retain, for further discussion when required, a proposal presented by Mr Li Yuwei for the development of a mineral resource/reserve classification system for the Area.

Environmental issues

The Commission said it was informed by a presentation by one of its members, Ms. Frida Pfirter on the broader context of environmental issues as they related to its work and how the future challenges of the environmental aspects of developing the resources of the Area might present themselves. Commission members then addressed themselves to a number of items on their agenda relating to the marine environment.

Report on workshop on technological and economic considerations on mining cobalt-rich crusts and sulphides

The Commission discussed the results of the workshop which took place from 31 July to 4 August. The workshop discussed some aspects of the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts and their application to hypothetical seabed mining scenarios for both resources in the Area. Among other conclusions, the workshop recommended different methods for defining exploration areas for sulphides and cobalt-rich crusts. According to the Commission's report, its chairman, expressed in Council a willingness on behalf of the Commission to revise the regulation for cobalt-rich crusts and sulphides based on the new knowledge presented in the workshop. That would be in accordance with the Article 165 paragraph 2 (g) of the United Nations Convention on the Law of the Sea, which provided for review of rules, regulations and procedures.

It was noted particularly that the new findings of the workshop made it more difficult to draft common regulations for both minerals, and, as part of their discussions, the Commission considered the possibility of dealing with parallel, but separate sets of regulations for each resource.

Consideration of environmental guidelines for cobalt-rich crusts and sulphides

The commission noted the general conclusion of the recent workshop on the two minerals that the critical lack of detailed sampling and surveying meant that there was a very limited understanding of the physical, geochemical and biological conditions at potential sites for

exploration for those minerals. It was felt that this was a major difference between the establishment of environmental guidelines for polymetallic nodules and the two minerals, in that the former benefited from an extensive extant knowledge base accumulated over a number of years of prospecting. That contrasted sharply with the starting position for establishing guidelines for the new resources with their very poor background database.

The Commission suggested that workshop report should be circulated to a wider audience, including potential contractors, for comment prior to further discussion by the Legal and Technical Commission at the next session.

In a section of the report on other matters, the Commission said it discussed the forthcoming election of members to its body. In its comments on the efficiency of functioning with 24 experts, it said it was widely agreed that it was able to work efficiently with that number of experts, as it was not possible for all members to attend each session, reducing the total membership available to work. It was also widely agreed that there was a need to preserve as wide a range of disciplinary expertise as possible. The Commission specifically noted the need for specialists in certain key disciplines, including marine, biology, mining engineering and mining economy. It requested that it should be consulted by the Secretariat when expertise was sought outside its membership.

Discussions on LTC report

Argentina led the discussion on the LTC report by expressing the view that the Commission should be given more time to analyse the new information gleaned from the recent workshop and to consider the option of formulating separate regulations for sulphides and crusts. The delegate supported the position stated in the report with regard to the composition and number of members of the Commission, citing the need to include expertise in very technical areas.

The representative of Brazil expressed concern that the Commission had only one week to work before the beginning of the session and suggested that this time was too short to permit adequate development of its work. He also said it was regrettable that the LTC report had to be presented verbally, as delegations needed to have a written report to send to their capitals.

In his comments, Secretary-General Satya N. Nandan said the report had made clear the extent and depth of the work of the Legal and Technical Commission during this session. He noted that the Commission was looking at the possibility of formulating separate sets of regulations for the two minerals under consideration, and in view of that, the secretariat was redrafting a text for the next session. Responding to Brazil's concern about the time allotted for the Commission's deliberations, he explained that the task of scheduling time at each session depended on the workload of the various organs of the Authority and priority had been given to the Council for its considerations of the draft regulations.

Commending the members of the Commission for their work, the Secretary General said they had displayed the necessary objectivity and professionalism and had set a good standard for future Commissions. He hoped that a way could be found to officially record their outstanding contribution to the Authority.

The Chairman of the LTC also responded to Brazil's comment on time constraints. He emphasized that this matter had been discussed extensively and while all agreed that more time was needed for the Commission's work, the decision had to be guided by financial considerations.

Discussion on draft regulations

Returning to the main item of business for the Council, the acting president invited general discussion on the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts drafted by the Legal and Technical Commission.

Responding to a question from Argentina on the relevance of deliberations on the draft which would be returned to the Commission for analysis, the Secretary-General reminded Council of the revisions made to the draft regulations contained in a new document ((ISBA/10/C/WP.1 Rev.1*)) and additional information on aspects of the draft that was developed during the intercessional period.

Secretary-General Nandan noted that the Council would need to consider possible adjustments to the draft based on recommendations made at the workshop on technical and economic considerations relating to mining polymetallic sulphides and cobalt-rich crusts in the Area (ISBA/12/C/7), and the three-part analysis of provisions in the draft relating to (I) prospecting, overlapping claims and the anti-monopoly provision, (II) protection of the marine environment, and (III) the system of participation by the Authority (ISBA/12/C/2). In addition, the Secretary-General said further discussion was necessary on the proposed system of allocating exploration blocks with respect to the size of areas for exploration. He said the Secretariat would incorporate all the new information and analysis into the revised draft regulations for each mineral.

Regarding the protection of the marine environment, Mexico proposed that the precautionary principle be applied as a provision across the board. The Chairman of the Legal and Technical Commission said more sampling was necessary before rigid guidelines were applied to environmental protection, and the United States observer called for caution in the application of precaution without extensive knowledge of the marine environment in which sulphides and crusts reside.

The Council continues its discussions on the draft regulations on Monday, 14 August.