

*Selected Decisions and Documents of the Fourteenth Session \* sélection de Décisions et de Documents de la Quatorzième Session \* Selección de Decisiones y Documentos del Catorce Período de Sesiones \**

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# Selected Decisions and Documents of the Fourteenth Session

(26 May – 6 June 2008)

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# ISBA/14/A/2 Report of the Secretary-General of the International Seabed Authority under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea

Date: 14 April 2008

## I. INTRODUCTION

1. The present report of the Secretary-General of the International Seabed Authority is submitted to the Assembly of the Authority under article 166, paragraph 4, of the 1982 United Nations Convention on the Law of the Sea. It provides the usual account of the work of the Authority over the past 10 months as well as an overview of the present status of and prospects for deep seabed mining.

## II. MEMBERSHIP OF THE AUTHORITY

2. The Authority is the organization through which States parties to the Convention, in accordance with part XI of the Convention, organize and control activities in the Area, particularly with a view to administering the resources of the Area. This is to be done in accordance with the regime for deep seabed mining established in part XI and other related provisions, of the Convention and in the Agreement relating to the implementation of part XI of the United Nations Convention on the Law of the Sea adopted by the General Assembly of the United Nations under the terms of its resolution 48/263 of 28 July 1994. As provided by resolution 48/263 and the Agreement itself, the provisions of the Agreement and part XI of the Convention are to be interpreted and applied together as a single instrument. In the event of any inconsistency between the Agreement and part XI, the provisions of the Agreement prevail. In addition, the Authority has a number of other, specific, responsibilities, such as the responsibility to distribute to States parties to the Convention payments or contributions in kind derived from exploitation of the resources of the continental shelf beyond 200 nautical miles pursuant to article 82, paragraph 4, of the Convention.

3. In accordance with article 156, paragraph 2, of the Convention, all States parties to the Convention are ipso facto members of the Authority. As at 31 March 2008, there were 155 members of the Authority (154 States and the European Community).

4. As at the same date, there were 131 parties to the 1994 Agreement; Brazil and Uruguay have acceded to the Agreement since the thirteenth session of the Authority. Twenty-four members of the Authority that became parties to the Convention prior to the adoption of the 1994 Agreement have not yet become parties to the 1994 Agreement. These are: Angola, Antigua and Barbuda, Bahrain, Bosnia and Herzegovina, Cape Verde, Comoros, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Gambia, Ghana, Guinea-Bissau, Guyana, Iraq, Mali, Marshall Islands, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Somalia, Sudan and Yemen.

5. Although members of the Authority which are not parties to the 1994 Agreement necessarily participate in the work of the Authority under arrangements based on the Agreement, becoming a party to the Agreement would remove an incongruity that currently exists for those States. For this reason, each year since 1998, at the request of the Assembly, the Secretary-General has circulated a note verbale to all members in this position urging them to consider becoming parties to the 1994 Agreement. In the last such note, circulated on 22 January 2008, attention was drawn to the relevant paragraphs of the report of the Secretary-General for 2007 (ISBA/13/A/2) and to paragraph 3 of United Nations General Assembly resolution 62/215 calling upon all States to become parties to both the Convention and the Agreement in order to achieve the goal of universal participation in the two instruments. The Secretary-General

encourages all those members of the Authority that are not yet parties to the 1994 Agreement to become parties at the earliest possible opportunity.

6. A recurrent problem for the Authority has been poor attendance at the meetings of the Assembly. The Assembly is considered to be the supreme organ of the Authority, to which the other principal organs are accountable as specifically provided for by the Convention. In particular, the debate on the annual report of the Secretary-General provides an important opportunity for general statements about the Authority's work. The Assembly also adopts the budget of the Authority and elects the Secretary-General, the members of the Council and the members of the Finance Committee.

7. This matter was discussed at the thirteenth session of the Authority, when 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. It was further pointed out that the absence of a quorum at meetings of the Assembly may have an adverse effect on decision-making within the Authority. The Secretary-General was requested to explore the possibility of changing the dates of the annual session of the Authority in order to encourage more members to attend. As a result, it will be noted that the dates for the fourteenth session have been brought forward to May, rather than July. The usual information note informing members of the issues to be discussed during the session was released as early as February 2008.

8. The matter of attendance at meetings of the Authority was also taken up during the debate on ocean affairs and the law of the sea held during the sixty-second session of the General Assembly. In its resolution 62/215, the General Assembly urged all States parties to the Convention to attend the sessions of the Authority and called upon the Authority to continue to pursue all options, including making concrete recommendations on the issue of dates, in order to improve attendance in Kingston and to ensure global participation. In his statement to the General Assembly, the Secretary-General of the Authority reminded members of the Authority that it is their duty to attend and participate in the work of the Authority and urged all members to do their part in ensuring that they are represented at the fourteenth session, especially as there would be a number of important decisions to take during the session.

### III. PERMANENT MISSIONS TO THE AUTHORITY

9. As at 31 March 2008, the following 22 States and the European Community had established permanent missions to the Authority: Argentina, Belgium, Brazil, Cameroon, Chile, China, Costa Rica, Cuba, France, Gabon, Germany, Haiti, Honduras, Italy, Jamaica, Mexico, Nigeria, the Republic of Korea, Saint Kitts and Nevis, South Africa, Spain and Trinidad and Tobago.

### IV. PREVIOUS SESSION OF THE AUTHORITY

10. The thirteenth session of the Authority was held from 9 to 20 July 2007. Olufolajimi Modupe Akintola (Nigeria) was elected President of the Assembly for the thirteenth session. Raymond Wolfe (Jamaica) was elected President of the Council.

11. The work of the Assembly during the thirteenth session included a debate on the annual report of the Secretary-General, consideration and adoption of the report of the Finance Committee, and adoption of the terms of reference, guidelines and procedures for the International Seabed Authority Endowment Fund for Marine Scientific Research in the Area (ISBA/13/A/6).

12. The main work of the Council during the thirteenth session was to consider the revised draft regulations on prospecting and exploration for polymetallic sulphides in the Area. During the session, the Council completed a detailed reading of regulations 1 to 43 and agreed on revisions to some of the

regulations. It was agreed that the pending draft regulations and annexes I to IV would be taken up by the Council in 2008 (see section XIII below).

13. The Council also considered the question of the future size and composition of the Legal and Technical Commission and the process for future elections. While it was unable to reach a consensus on the future size of the Commission, the Council agreed that there was a need to streamline the procedure for future elections in order to avoid the difficulties that the Council had encountered in the past elections of the Commission. In this regard, the Council agreed on a procedure for the nomination of candidates for future elections and also requested the Secretary-General to prepare a report for consideration by the Council in 2010 on the functioning of the Commission, with a view to the Council determining in 2010 the number of members of the Commission to be elected in 2011. The decision of the Council is contained in document ISBA/13/C/6.

14. The Council also took note of the statement of the Secretary-General on the periodic review of the implementation of the plans of work for exploration by the contractors (ISBA/13/C/4) and the Report of the Chairman of the Legal and Technical Commission on the work of the Commission during the thirteenth session (ISBA/13/C/3).

## V. PROTOCOL ON PRIVILEGES AND IMMUNITIES OF THE AUTHORITY

15. The Protocol on Privileges and Immunities of the International Seabed Authority entered into force on 31 May 2003. Since the thirteenth session of the Authority, two further members of the Authority (Poland and Finland) have become parties to the Protocol. As at 31 March 2008, the following 25 members of the Authority were parties to the Protocol: Argentina, Austria, Cameroon, Chile, Croatia, Czech Republic, Denmark, Egypt, Finland, Germany, India, Italy, Jamaica, Mauritius, Netherlands, Nigeria, Norway, Oman, Poland, Portugal, Slovakia, Spain, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland and Uruguay.

16. The Secretary-General urges other members of the Authority to consider becoming parties to the Protocol which, inter alia, provides essential protection to representatives of members of the Authority who attend meetings of the Authority or who travel to and from those meetings. It also accords to experts on missions for the Authority such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions and the time spent on journeys in connection with their missions.

## VI. RELATIONS WITH THE HOST COUNTRY

17. In November 2007, the Secretary-General drew the attention of the host Government to a number of deficiencies relating to the fabric of the headquarters building and to technical problems with the equipment in the Jamaica Conference Centre. These problems were particularly acute during the thirteenth session, when delegations noted frequent breakdowns in the audio systems in the Conference Centre. It was discovered that these problems were attributable to the fact that the existing systems are over 20 years old and, although they have served well for many years, have now become obsolete.

18. Following discussion between the relevant government departments, the Secretary-General was pleased to be advised in March 2008 that the Government of Jamaica has allocated an amount in excess of 420 million Jamaican dollars towards a comprehensive refurbishment of the Conference Centre, including renovation and upgrading of the sound and interpretation systems. It is anticipated that the most urgent renovations will be completed prior to the fourteenth session.

19. The Secretary-General expresses his sincere appreciation to the Government of Jamaica for this expression of commitment to the future of the Conference Centre and the Authority, and also expresses



appreciation for the very positive and constructive working relationship that has existed between the secretariat and the host Government over the past year.

## VII. RELATIONS WITH THE UNITED NATIONS AND OTHER BODIES

20. The Authority continued to maintain its good working relationship with the Department for General Assembly and Conference Management of the United Nations, which, under the Relationship Agreement between the United Nations and the International Seabed Authority provides translation, interpretation and conference services to the Authority. The Authority also maintained a close relationship with the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations and other relevant departments and services of the United Nations.

## VIII. SECRETARIAT

21. Changes to the secretariat during the period under review included the recruitment of an Executive Officer (P-5) and a Human Resources Officer (P-3) following open competitions to fill vacancies that had arisen in the approved staffing table. These positions were filled on the basis of updated job descriptions in the light of a review of internal administration conducted in 2006.

22. Pursuant to the staff regulations and rules of the Authority, a Joint Appeals Board was established, composed of a chairman and four members as follows:

### *Chairman*

Michael Wood (appointed by the Secretary-General after consultation with the Staff Committee)

### *Members appointed by the Secretary-General*

Coy Roache  
Gritakumar Chitty

### *Members selected by representatives of the staff*

Donald J. Rogers  
Gwénäelle Le Gurun

In accordance with staff rule 111.1(c), members shall serve for a period of two years, with effect from 1 March 2008. The Chairman and members of the Joint Appeals Board are considered experts on mission while performing their duties for the Authority. The provisions of article 9 of the Protocol on Privileges and Immunities of the Authority and articles 26(1) (e) and 35 of the Headquarters Agreement between the Authority and the Government of Jamaica would be applicable to them.

## IX. BUDGET AND FINANCE

### **A. Budget**

23. For the financial period 2007-2008, the Assembly of the Authority adopted a budget of \$11,782,400. This represented a nominal average increase of 4.46 per cent for each year of the financial period compared with the previous period (2005-2006). However, when inflationary factors are considered, it actually represented a decrease in the budget in real terms.

24. For the financial period 2009-2010, the Secretary-General proposes a budget of \$12,752,400. The budgetary requirements are explained in detail in ISBA/14/A/3-ISBA/14/C/3.

## **B. Status of contributions**

25. In accordance with the Convention and the 1994 Agreement, the administrative expenses of the Authority shall be met by assessed contributions of its members until the Authority has sufficient funds from other sources to meet those expenses. The scale of assessments shall be based on the scale used for the regular budget of the United Nations, adjusted for differences in membership. As at 31 March 2008, 58.6 per cent of the value of contributions to the 2008 budget due from member States and the European Community had been received from 31 per cent of the Authority's membership.

26. Contributions outstanding from member States for prior periods (1998-2007) totalled \$447,952. Notices are regularly sent to member States reminding them of arrears. In accordance with article 184 of the Convention and rule 80 of the rules of procedure of the Assembly, a member of the Authority that is in arrears in the payment of its financial contribution shall have no vote if the amount of its arrears equals or exceeds the amount of the financial contribution due from it for the preceding two years.

27. As at 31 March 2008, 57 members of the Authority were in arrears for a period of two years or more. They were: Argentina, Bahrain, Belarus, Belize, Benin, Bolivia, Burkina Faso, Cape Verde, Comoros, Cook Islands, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Djibouti, Dominica, Equatorial Guinea, Gambia, Guatemala, Guinea, Guinea-Bissau, Honduras, Iraq, Luxembourg, Maldives, Mali, Marshall Islands, Mauritania, Micronesia (Federated States of), Montenegro, Mozambique, Nauru, Nepal, Niue, Palau, Panama, Papua New Guinea, Paraguay, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Senegal, Serbia, Seychelles, Sierra Leone, Solomon Islands, Somalia, Sudan, Suriname, the former Yugoslav Republic of Macedonia, Togo, Uganda, Ukraine, United Republic of Tanzania, Uruguay, Vanuatu, Zambia and Zimbabwe.

28. Also as at 31 March 2008, the balance of the Working Capital Fund stood at \$438,711.

## **C. Voluntary trust fund**

29. A voluntary trust fund for the participation of members of the Finance Committee and the Legal and Technical Commission from developing countries was established in 2002, following a request by the Assembly to enhance the participation of members from developing countries in those bodies. Prior to the establishment of the fund, attendance at meetings of the two bodies by members from developing countries had been generally poor, ostensibly for financial reasons. That situation has improved since the fund was established. Provisional terms and conditions for the use of the fund were adopted by the Assembly, on the recommendation of the Finance Committee in 2003 and amended in 2004 (see ISBA/9/A/9, para. 24; and ISBA/9/A/5-ISBA/9/C/5).

30. The fund is made up of voluntary contributions from members of the Authority and others. Over the life of the fund, contributions totalling \$85,818 have been received from: Angola (\$300), Brazil (\$10,000), Indonesia (\$1,000), Mexico (\$2,500), Namibia (\$1,300), Nigeria (\$5,000), Norway (\$25,000), Oman (\$10,000), Spain (\$20,018), Trinidad and Tobago (\$10,000), and M. Babangida Aliyu Oon (\$500) and Y. Kazmin (\$200).

31. In 2003, to supplement the voluntary contributions, the Assembly, on the recommendation of the Finance Committee, authorized an advance of \$75,000 to be paid into the fund from the interest from the fund for application fees paid by former registered pioneer investors (see ISBA/9/A/5-ISBA/9/C/5). At the eleventh session, the Assembly, on the recommendation of the Finance Committee, authorized the Secretary-General to advance, to the extent necessary, a further \$60,000 for the operation of the voluntary fund in 2006 from the same source (see ISBA/11/A/8-ISBA/11/C/9). At the twelfth session in 2006, however, in the light of the balance of the fund at that time, the Finance Committee decided not to approve any further advances to the fund for 2007.

32. As at 31 March 2008, the balance of the voluntary fund stood at \$69,495, including accrued interest of \$6,235. The total amount paid out of the fund to date is \$157,557.

#### **D. Endowment Fund for Marine Scientific Research in the Area**

33. The International Seabed Authority Endowment Fund for Marine Scientific Research in the Area was established by the Assembly in 2006 (see ISBA/12/A/11). The purpose of the Fund is to promote and encourage the conduct of marine scientific research in the Area for the benefit of mankind as a whole, in particular by supporting the participation of qualified scientists and technical personnel from developing countries in marine scientific research programmes and by providing them with opportunities to participate in international technical and scientific cooperation, including through training, technical assistance and scientific cooperation programmes.

34. In accordance with the decision of the Assembly, the initial capital of the Endowment Fund consisted of the balance remaining as at 18 August 2006 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, to the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, pursuant to paragraph 7 (a) of resolution II, together with interest accrued thereon. Additional contributions to the Fund may be made by the Authority, members of the Authority, other States, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private persons.

35. In 2007, the Assembly, on the recommendation of the Finance Committee, adopted detailed rules and procedures for the administration and utilization of the Endowment Fund (see ISBA/13/A/6, annex). They provide detailed guidance on the process for making applications for assistance from the Fund, the information that must be submitted, the type of activities that may be eligible for funding and the dissemination and reporting of the outcomes of marine scientific research programmes and scientific cooperation programmes. Applications for assistance from the Fund may be made by any developing country or by any other country if the purpose is to benefit scientists from developing countries. There is to be an advisory panel appointed by the Secretary-General to evaluate applications for assistance from the Fund. The panel shall be composed of: (a) permanent representatives to the Authority; (b) representatives of educational institutions or organizations of an international character; (c) individuals closely associated with the work of the Authority. The members of the panel are to be appointed with due regard to equitable geographic representation. In accordance with the guidelines, the first appointments to the panel were made by the Secretary-General in March 2008. The names of the persons appointed are contained in the annex to the present report. It is expected that the advisory panel will hold its first meeting in conjunction with the fourteenth session of the Authority.

36. The Fund is administered by the secretariat of the Authority, which is required to endeavour to make arrangements with universities, scientific institutions, contractors and other entities for opportunities for scientists from developing countries to participate in marine scientific research activities. Such arrangements shall include arrangements for the reduction or waiver of fees for training. Since February 2008, the secretariat has carried out a number of activities designed to draw the attention of the international donor community to the opportunities offered by the Fund and to encourage additional contributions. These include the issue of a press release and related promotional materials, the launch of a specially designed area on the Authority's website at <http://www.isa.org.jm/en/efund>, and the establishment of a network of cooperating institutions that may be interested in offering places on courses or research opportunities. In addition, the secretariat organized an informal round table meeting at United Nations Headquarters in New York on 30 April 2008 to introduce the Fund to a wide range of potential contributors, partner institutions and beneficiaries.

37. As at March 2008, the following institutions had indicated their interest in cooperating with the Authority in relation to the Fund: National Oceanography Centre (United Kingdom), National Institute of Ocean Technology (India), French Research Institute for the Exploitation of the Sea (IFREMER), Federal Institute for Geosciences and National Resources (Germany), National Institute of Oceanography (India), Natural History Museum (United Kingdom) and InterRidge.

38. The Secretary-General encourages other Governments and institutions to participate in the Authority's network and also invites members of the Authority, other States, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations and private persons to contribute to the Fund.

## X. LIBRARY, PUBLICATIONS AND WEBSITE

### A. Library

39. The library manages the Authority's specialized collection of reference and research materials focusing on matters relating to the law of the sea, ocean affairs and deep seabed mining. The library serves the needs of members of the Authority, permanent missions and researchers interested in information on the law of the sea and ocean affairs, as well as providing essential reference and research assistance to support the work of the staff of the secretariat. In addition, the library is responsible for the archiving and distribution of the official documents of the Authority and assists with the publications programme.

40. The library facilities include a reading room with access to the collection for reference purposes only and computer terminals for e-mail and Internet access. The specialized research capability of the existing collection continues to improve through an acquisitions programme that is aimed at building upon and strengthening the library's comprehensive collection of reference materials. An inventory was conducted to monitor the collection and to ensure that items corresponded with the automated catalogue. During the reporting period, approximately 140 books, CD-ROMs and over 450 journal issues were acquired. A number of donations were received from institutions and libraries, including from the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations, the International Tribunal for the Law of the Sea, the United Nations Educational and Scientific Organization, the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations, and the United States Institute of Peace. To enable Internet browsing of the library catalogue, a web interface has been developed to allow users to perform searches. The interface is accessible from both the Authority's main website and from the central data repository.

41. During the period under review, the library continued to respond to an increasing number of requests for copies of the publications and documents of the Authority. The library continued to offer guidance on sources of information relevant to the law of the sea and deep seabed mining, and responded to requests from institutions, non-governmental organizations, academics, government departments and the general public for information on a number of subject areas related to the activities of the Authority, including, the development of technologies for deep seabed mining; geographic data on the Caribbean Sea; bilateral and multilateral maritime delimitation agreements of selected countries; deep seabed mining and the protection of the marine environment; forecasting seabed mining during the Preparatory Commission and the exploitation of marine resources. Most requests are received electronically. The requests came from individuals and a variety of academic and research institutions, including the United States Department of Commerce, General Counsel for International Law, National Oceanographic and Atmospheric Administration, United States; Center for Leadership in Global Diplomacy, United States; Virani Science College, India; Nautilus Minerals, Australia; the permanent mission of China to the Authority; the National Environment and Planning Agency of Jamaica; Ministry of Foreign Affairs of

Jamaica; the Permanent Mission of Jamaica to the United Nations; and the Department of Government of the University of the West Indies.

## **B. Publications**

42. The regular publications of the Authority include an annual compendium of selected decisions and documents of the Authority (published in English, French and Spanish) and a handbook containing details, inter alia, of the membership of the Assembly and the Council, the names and addresses of permanent representatives and the names of the members of the Legal and Technical Commission and the Finance Committee.

43. In addition, the Authority also publishes the proceedings of its workshops and a range of specialized legal and technical reports. The most recent publications include the proceedings of the 2004 workshop on the establishment of environmental baselines and monitoring programmes for exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts (published in 2007), the proceedings of the 2003 workshop on the establishment of a geological model of polymetallic nodule resources in the Clarion-Clipperton fracture zone of the equatorial North Pacific Ocean, and the final report of the Kaplan project (see Biodiversity, Species Ranges and Gene Flow in the Abyssal Pacific Nodule Province: Predicting and Managing the Impacts of Deep Seabed Mining, ISA Technical Study, No. 3 (2008)); for a complete list of all the current publications issued by the Authority, see [www.isa.org.jm](http://www.isa.org.jm).

## **C. Website**

44. The Authority's website was fully redesigned in 2007 to provide greater functionality and ease of access to users. The website contains essential information on the activities of the Authority, primarily in English, French and Spanish. The texts of all the official documents and decisions of the organs of the Authority are available in the six official languages of the United Nations. Press releases are available in English and French. The website provides access to specialized databases, such as the central data repository, the Internet-based geographical information system (GIS), the bibliographical database and the library catalogue. The Authority's workshop proceedings, technical reports and joint publications are also published electronically in downloadable format.

45. The Internet-based graphical interface to the repository, which allows the interactive production of various maps, has been greatly enhanced and upgraded to include the latest biological database. It also allows users to connect to other spatial databases over the Internet and pull down their content for analysis in the Authority's GIS system.

46. Security and infrastructure enhancements over the past year include the upgrade of the firewall and the ongoing implementation of a disaster recovery programme. The objectives of the disaster recovery programme are to protect the data of the Authority and to preserve the operational capacity of the secretariat to utilize its information technology capabilities in the event of a natural disaster. As a further step in the infrastructure enhancement, work is under way to maximize the availability of Internet access by providing an automatic failover in the event of a single link failure and load balancing to improve the connection speed.

## **XI. SUBSTANTIVE WORK PROGRAMME OF THE AUTHORITY**

47. The substantive work programme of the Authority for the period 2008-2010 was presented to the Assembly at the thirteenth session in 2007 (see ISBA/13/A/2). The programme of work, which was approved by the Assembly, continues to focus primarily on the scientific and technical work necessary to carry out the functions of the Authority under the Convention and the 1994 Agreement and in particular aims to promote a better understanding of the potential environmental impact of deep seabed mining.

48. The substantive functions of the Authority are set out in the Convention and in the 1994 Agreement. Pending the approval of the first plan of work for exploitation, the Authority is to concentrate on the 11 areas of work listed in paragraph 5 of section 1 of the annex to the 1994 Agreement. Given the limited resources available to the Authority, the relative priority to be given to each of those areas of work is dependent on the pace of development of commercial interest in deep seabed mining. The programme of work for the period 2008-2010 is based on the implementation of subparagraphs (c), (d), (f), (g), (h), (i) and (j) of paragraph 5 of section 1 of the 1994 Agreement, in particular the following main areas:

(a) The supervisory functions of the Authority with respect to existing contracts for exploration for polymetallic nodules;

(b) Monitoring of trends and developments relating to deep seabed mining activities, including world metal market conditions and metal prices, trends and prospects;

(c) The development of an appropriate regulatory framework for the future development of the mineral resources of the Area, particularly hydrothermal polymetallic sulphides and cobalt-rich ferromanganese crusts, including standards for the protection and preservation of the marine environment during their development;

(d) The promotion and encouragement of marine scientific research in the Area through, inter alia, an ongoing programme of technical workshops, the dissemination of the results of such research and collaboration with contractors and the international scientific community;

(e) Information-gathering and the establishment and development of unique databases of scientific and technical information with a view to obtaining a better understanding of the deep ocean environment;

(f) Ongoing assessment of available data relating to prospecting and exploration for polymetallic nodules in the Clarion-Clipperton zone.

49. Progress and developments in relation to each aspect of the work programme is described in sections XII to XVI below.

## XII. STATUS OF CONTRACTS FOR EXPLORATION

50. There are presently eight contractors for exploration for polymetallic nodules in the Area. These are Yuzhmorgeologiya (Russian Federation), Interoceanmetal Joint Organization (IOM) (Bulgaria, Cuba, Slovakia, Czech Republic, Poland and Russian Federation), the Government of the Republic of Korea, China Ocean Mineral Resources Research and Development Association (COMRA) (China), Deep Ocean Resources Development Company (DORD) (Japan), IFREMER (France), the Government of India and the Federal Institute for Geosciences and Natural Resources of the Federal Republic of Germany.

51. Each contractor is under an obligation to submit an annual activity report. The objective of the reporting requirement is to establish a mechanism whereby the Secretary-General and the Legal and Technical Commission are properly informed of the contractors' activities so as to be able to exercise their functions under the Convention, particularly those relating to the protection of the marine environment from the harmful effects of activities in the Area. To facilitate reporting, in 2002 the Commission recommended a format and structure for annual reports (see ISBA/8/LTC/2, annex), including a standardized contents list (general, exploration work, mining tests and mining technology, training, environmental monitoring and assessment, financial statement, proposed adjustment to the programme of work, conclusions and recommendations) which is based on the standard clauses set out in annex 4 to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (see ISBA/6/A/18, annex). Additional assistance for contractors in preparing their annual reports appears in the recommendations for the guidance of contractors for the assessment of the possible environmental

impacts arising from exploration for polymetallic nodules in the Area issued by the Commission in 2001 pursuant to regulation 38 (ISBA/7/LTC/1/Rev.1).

52. Although the contents of the annual reports are confidential, any relevant findings and recommendations of the Commission on the annual reports are presented in a report to the Secretary-General including, as appropriate, requests for clarification or further information. The Secretary-General conveys any such requests to the contractors by letter. Comments of a general nature with respect to the evaluation of the annual reports of the contractors may also be included in the report on the work of the Commission that the Chairman of the Commission presents to the Council.

53. Annual reports are due on 31 March of each year. In light of the fact that the fourteenth session will take place in May, the Secretary-General wrote to all contractors in December 2007, urging them to submit their annual reports as early as possible in order that they would be available for consideration by the Legal and Technical Commission at the fourteenth session. As at 31 March 2008, annual reports had been received from DORD, Republic of Korea, Yuzhmorgeologiya, IOM and COMRA.

#### **A. Periodic review of implementation of plans of work for exploration**

54. The regulations provide for periodic review of the implementation of plans of work for exploration at intervals of five years. This is to be achieved through consultations between contractors and the Secretary-General. As part of the review, the contractor shall indicate its programme of activities for the following five years, making such adjustments to its previous programme of activities as are necessary. The Secretary-General may request the contractor to submit such additional data and information as may be necessary for the purposes of the review and is also required to report on the review to the Commission and the Council.

55. For six out of the seven former registered pioneer investors, 2006 marked the end of the first five-year programme of work since the contracts were issued. For India, in respect of which the contract was issued in 2002, the five-year period ended in 2007. As at July 2007, comprehensive five-year reports of the work carried out, the results obtained and the expenditure incurred during the first five-year programme were submitted by the Government of India, DORD, the Republic of Korea, IOM, Yuzhmorgeologiya, IFREMER and COMRA. Each of these contractors also submitted a revised programme of activities covering the next five years of the contract. In addition, between August 2006 and May 2007, the Secretary-General met with DORD, the Republic of Korea, IOM, COMRA and the Government of India to review their proposed programmes of activities for the next five years.

56. During the thirteenth session, the Secretary-General reported orally to the Legal and Technical Commission on the periodic review of the implementation of the plans of work for exploration. He also presented a report to the Council that took into account the discussion on the same topic that had taken place in the Legal and Technical Commission (see ISBA/13/C/4). In his report, the Secretary-General noted that, in general, for all contractors, the pace of exploration work remained very slow. Although all of the contractors had adhered to the programmes of work as originally indicated, the focus of this work was on preparatory work and evaluation of data already collected during the pioneer phase. For example, one contractor had spent the entire five-year period simply evaluating the feasibility of continued investment in deep seabed mining. Another contractor concentrated solely on the analysis of environmental data and carried out no geological exploration work. There was very little evidence of progress in the development of mining and processing technology, although some contractors had carried out preliminary tests of collecting systems and indicated that they intended to work on technology development in the future.

57. Notwithstanding the progress that had been made in terms of compliance, the Secretary-General noted some matters of concern. For example, it was evident that there had been very large disparities in the amounts being spent on exploration by each contractor. In some cases, the expenditure reported was

greatly in excess of the expenditure proposed in the original programme of activities. It was not always clear why this should be the case. Both the Secretary-General and the Legal and Technical Commission emphasized the need for reported expenditure on exploration to be properly itemized and reported and to relate only to the actual and direct costs of exploration activities in relation to the specific contract areas. This is a matter which will become particularly important in the future if, in the context of regulations governing exploitation, contractors seek to offset their development costs against profits or royalties due to the Authority. Given that all the existing contractors have enjoyed very long periods for exploration, dating back in most cases to the 1980s, it will be essential to ensure the financial terms for exploitation contracts are such that allowances for expenditures incurred during exploration are strictly limited to the actual and direct costs of exploration carried out with a view to commercial exploitation.

58. With regard to the programmes of activities for the second five-year period — up to 2011 — the Secretary-General noted that all of the seven contractors concerned essentially plan to continue to work at the same pace. There are no significant changes to the types of activities that are proposed, even though four contractors have identified first-generation mine sites. There are, for example, no proposals to carry out research on the physical problems of recovering nodules from the ocean floor and transferring them to transport ships or relating to alternative equipment and methods that contractors may ultimately use in commercial mining. There are no proposals to ascertain the cost of mining nodules from the seabed and processing them into metals of commercial interest, so that improvements in the metal markets can provide an indication of the imminence of future mining. For most contractors, the emphasis remains on the analysis of existing data and the opportunistic collection of environmental baseline data through scientific research cruises.

59. Although this situation may be considered reasonable, given the technological and economic conditions relating to seabed mining that prevailed until recently, it must also be recalled that the resources of the deep seabed are the common heritage of mankind and that the fundamental objective of the regime established by the Convention and the Agreement is to encourage the development of those resources for the benefit of mankind as a whole. That is why the Agreement provides for a time-limit of 15 years, during which time contractors have exclusive rights to explore the areas allocated to them. The expectation is that, after 15 years, in the absence of special circumstances, contractors will either move to the exploitation phase or surrender the areas allocated to them. The current leisurely pace of activities, however, would suggest that the contractors will basically continue to sit on the sites and seek multiple extensions of their contract if they are to retain the allocated areas. Prolonged blocking of access to the resources is neither an efficient nor equitable way of administering the resources, which belong to mankind as a whole.

60. Immediately following the thirteenth session, in July 2007, the Secretary-General wrote to all seven contractors concerned formally accepting their proposed programme of activities for the second five-year period and proposing a revision to the contract, by means of an exchange of letters, in order to reflect the new programme of activities. As at 31 March 2008, the proposed revisions had been accepted by DORD (received 16 August 2007), the Government of India (received 3 December 2007), COMRA (received 18 September 2007), IOM (received 18 October 2007) and IFREMER (received 11 March 2008). Acceptances from the Government of the Republic of Korea and Yuzhmorgeologiya have yet to be received.

## **B. Training programme of the Federal Republic of Germany**

61. Under its contract with the Authority, signed in July 2006, and in accordance with the standard clauses set out in the regulations, the Federal Institute for Geosciences and Natural Resources of the Federal Republic of Germany is required to propose a training programme as part of its programme of work. Under the original programme of activities, two trainees were to be selected to participate in a research cruise in September 2006. However, due to the delay in signing the contract, there was



insufficient time to conduct the selection process in time for that date. In January 2008, the Federal Institute for Geosciences and Natural Resources proposed a revised training programme, offering places to four trainees commencing in October 2008. Also in January 2008, the Secretary-General circulated a note verbale to all members of the Authority soliciting nominations of candidates for the German training programme. Such nominations were to be received by 30 April 2008.

62. Information on the training programme, and the names and curricula vitae of all candidates nominated by members of the Authority, will be submitted to the Legal and Technical Commission at the fourteenth session in order to enable the Commission to make a selection of the candidates for training in consultation with the contractor.

### XIII. REGULATIONS ON PROSPECTING AND EXPLORATION FOR POLYMETALLIC SULPHIDES AND COBALT-RICH FERROMANGANESE CRUSTS IN THE AREA

63. The Assembly will recall that in 1998 the delegation of the Russian Federation formally requested the Authority to develop regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts. A workshop on these resources was held in June 2000, and in 2001 a document was placed before the Council (ISBA/7/C/2) summarizing the discussion at the workshop and indicating the considerations to be borne in mind in elaborating regulations. After extensive discussions, the Council decided to ask the Legal and Technical Commission to prepare draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich crusts. The Legal and Technical Commission, with assistance from the secretariat, prepared a first draft in 2003 and 2004, which was subsequently considered by the Council during the eleventh session in 2005.

64. Following a first reading of the draft, the Council asked the secretariat to clarify certain points, and the secretariat submitted two technical information papers to the Council in 2006 (see ISBA/12/C/2 and ISBA/12/C/3). At its 106th meeting, on 8 August 2006, the Council was provided with an oral briefing on the technical issues dealt with in those papers. The briefing was given by the secretariat with the assistance of two technical experts, James Hein and Charles Morgan. In addition, Mr. Morgan presented to the Council a report on the preliminary outcomes of a workshop on the technical and economic considerations relating to mining of polymetallic sulphides and cobalt-rich crusts, held from 31 July to 4 August 2006. At the request of the Council, a summary of the workshop recommendations was issued in the form of a document (ISBA/12/C/7). The delegation of the Russian Federation also submitted a draft proposal relating to the draft regulations (ISBA/12/C/6).

65. Following extensive discussion of the way in which the Council would address the outstanding technical issues with respect to the draft regulations, it was agreed that the secretariat should attempt to revise the draft regulations further in the light of the outcomes of the 2006 technical workshop and the presentations, proposals and discussions in the Council during the twelfth session. In revising the draft, it was agreed that separate sets of regulations would be prepared for polymetallic sulphides and cobalt-rich ferromanganese crusts. In considering the revised draft regulations, the Council recommended that priority should be given to the regulations relating to polymetallic sulphides.

66. In accordance with the Council's request, the secretariat prepared a set of draft sulphides regulations in October 2006. The draft was circulated to outgoing members of the Legal and Technical Commission, who were asked to submit their comments by 31 December 2006, which marked the end of their term of office. Comments were received from three members of the Commission. In the light of those comments, the secretariat prepared an explanatory note, annexing the revised draft sulphides regulations, for consideration by the Council in 2007 (ISBA/13/C/WP.1). Also in accordance with the Council's request, the secretariat prepared revised draft regulations relating to cobalt-rich ferromanganese crusts for further consideration by the Legal and Technical Commission (ISBA/13/LTC/WP.1).

67. During the thirteenth session, following a general debate on the revised draft regulations on prospecting and exploration for polymetallic sulphides and a briefing by an expert, Mark Hannington, on global exploration models for polymetallic sulphide deposits in the Area, the Council completed a detailed reading of regulations 1 to 43 and agreed on revisions to some of those regulations. An informal text of the agreed revisions (ISBA/13/C/CRP.1) was provided to all delegations at the conclusion of the session. The Council further agreed that the pending draft regulations (regulations 1(3), 12, 16, 19(2)(a), 21, 24(2), 27, 28(2), 33(2), 35, 36(2) and (3) and 38) would be taken up by the Council in 2008, together with annexes I to IV.

68. Also during the thirteenth session, the Legal and Technical Commission began consideration of the draft regulations relating to cobalt-rich ferromanganese crusts prepared by the secretariat. The Commission focused its consideration on two sensitive issues: the size of the area to be allocated to exploration and the progressive fee system, but considered that the background information available to date was not sufficient to provide a recommendation to the Council on any given system for site allocation for prospecting and exploration. It agreed to continue its work during the fourteenth session.

69. To assist the Council in its deliberations during the fourteenth session, the secretariat has prepared an additional document as a guide to the key outstanding issues with respect to the draft regulations (ISBA/14/C/4).

#### XIV. PROMOTION AND ENCOURAGEMENT OF MARINE SCIENTIFIC RESEARCH IN THE AREA

70. Under articles 143 and 145 of the Convention, the Authority has a general responsibility to promote and encourage the conduct of marine scientific research in the Area and to coordinate and disseminate the results of such research when available. It also has a duty to ensure effective protection of the marine environment from harmful effects which may arise from activities in the Area. A key factor for the Authority is that, although a significant amount of basic and applied research has been done in the past or is still in progress, it is broadly accepted that the current level of knowledge and understanding of deep-sea ecology is not yet sufficient to allow conclusive risk assessment of the effects of large-scale commercial seabed mining, as opposed to exploration. In order to be able in future to manage the impact of mineral development in the Area in such a way as to prevent harmful effects to the marine environment, it will be essential for the Authority to have better knowledge of the state and vulnerability of the marine environment in mineral-bearing provinces. This includes, *inter alia*, knowledge of baseline conditions in these areas, the natural variability of these baseline conditions and the relationship with impacts related to mining.

71. The most immediate and practical way in which the Authority has begun to implement its responsibilities under the Convention and to fulfil its various mandates under paragraph 5 of section 1 of the annex to the 1994 Agreement, particularly under subparagraphs (f) to (j), has been the establishment of a series of expert workshops, seminars and meetings. There has also developed a practice of arranging technical briefings for the representatives of members of the Authority present in Kingston on matters relevant to the work of the Council and the Assembly. For example, there was a one-day seminar by invited experts on the status and prospects for polymetallic sulphides and cobalt crusts during the eighth session in 2002. A similar briefing session took place at the twelfth session in 2006, primarily designed to help the Council better address the question of the size of areas to be allocated for exploration for polymetallic sulphides and cobalt crusts, as well as in 2007, when an expert was invited to brief the Council on global exploration models for polymetallic sulphide deposits in the Area. Such briefings enable delegates to gain greater understanding of highly technical matters that are important for the work of the Authority, and are much appreciated.

72. In its technical workshops, the Authority has focused on obtaining a better understanding of the mineral resources to be found in the international seabed area and the environment in which they are found in order to better prepare it to manage the impact of exploration and mining on the environment. At all of the workshops, the need for cooperation between scientists and coordination of their efforts has been raised repeatedly; hence the second major element in the Authority's efforts to promote marine scientific research has been to act as a catalyst for international collaboration in projects which will help to manage the impact of deep seabed mining and related activities. The outcomes of these workshops have also been submitted to the Legal and Technical Commission to assist it in its work.

#### **A. Technical workshops**

73. The objective of the technical workshops convened by the Authority is to obtain the views of recognized experts in the protection of the marine environment and other specific subjects under consideration and to obtain the most recent marine scientific research results pertinent to the subject matter. Since 1998, the Authority has convened a total of 10 international workshops on specific issues related to deep seabed mining, with participation by internationally recognized scientists, experts, researchers and members of the Legal and Technical Commission, as well as representatives of contractors, the offshore mining industry and member States.

74. In order to disseminate the results as broadly as possible, the proceedings of the Authority's workshops are published in book format and on the Authority's website. They are increasingly recognized by the international scientific and research community as important and authoritative contributions to the specialized scientific literature on deep seabed mining.

75. The most recent workshop took place in February 2008 in Chennai, India, at the National Institute for Ocean Technology. The objective of the workshop, which was organized in cooperation with the Ministry of Earth Sciences of the Government of India, was to develop a preliminary cost model for a deep seabed polymetallic nodule mining and processing venture.

76. There were 48 participants at the workshop, including representatives of six of the eight current exploration contractors with the Authority (COMRA; Government of India; Federal Institute of Geosciences and Natural Resources of Germany; Republic of Korea; IOM; and Yuzhmorgeologiya). Each of the contractors presented a paper describing, inter alia, the status of their efforts to develop a cost-effective configuration of technology for future mining and processing of nodules into copper, nickel, cobalt and manganese. Contractors were also requested to provide estimates of production costs based on their selected configurations and production scales, and to identify those areas of activity where collaboration could enhance the viability of their ventures.

77. Other presentations reviewed analyses of mining technologies developed in the 1970s and 1980s, project economics and cost models that had been developed for deep seabed mining in the 1980s, possible applications of space technologies to deep seabed mining, the status of lift systems for polymetallic nodule mining, advances in nickel laterites processing and their possible application to processing of polymetallic nodules, and advances in riser technology for oil and gas exploitation and their possible application to nodule mining.

78. Following the presentations, three working groups were convened to consider specific aspects of the model, namely mining technology, processing technology and the economics for a model mining venture. The first working group developed capital expenditure and operating expenditure estimates for polymetallic nodule mining ventures that would recover 1.5 million and 1.2 million wet tons of nodules a year from a site approximately 6,000 nautical miles from a land-based processing facility. The second working group developed similar estimates for a nodule processing plant based on an annual capacity of 1.5 million tons, producing nickel, copper, cobalt and manganese. The third working group reviewed

existing models of first generation polymetallic nodule mining systems and evaluated current trends in metal prices, taking into account the increasing demand for nickel and the other metals in nodules in China, India and the Russian Federation. As a result of the group's work, 12 alternative scenarios were developed, with internal rates of return ranging from a low of 14.9 per cent to a high of 37.8 per cent.

79. One of the key conclusions reached by the workshop was that metal prices, particularly nickel prices, are a major factor in the profitability and attractiveness of investments in deep seabed polymetallic nodule mining ventures. The group also noted that the industrialization of large developing countries such as China and India and the reindustrialization of the Russian Federation will drive demand upwards for decades to come. Noting that there are no large land-based deposits of nickel sulphides remaining to be developed, the workshop emphasized that oxide ores (laterites and polymetallic nodules) are the future source of nickel to meet demand.

80. A more detailed summary technical report on the outcomes of the workshop and the work of the working groups will be provided to the Council. In addition, as with the other workshops convened by the Authority, the proceedings of the workshop will be published in due course.

81. As part of the work programme for the period 2008-2010, it is proposed to convene two further international workshops in 2009 and 2010. The objective of the first workshop, scheduled for 2009, will be to review the geological model of polymetallic nodule deposits in the Clarion-Clipperton zone. The objective of the second workshop, which will be convened in 2010, will be to ascertain the modalities for scientific collaboration in research on cobalt-rich ferromanganese crusts deposits in the Area with a view to addressing the standardization requirements for the environmental data required for mining.

## **B. Seminars**

82. In March 2007, the Authority convened for the first time a seminar on the mineral resources of the Area in Manado, Indonesia. The seminar was attended by over 110 participants drawn from different organizations concerned with ocean and maritime affairs in Indonesia. The seminar heard presentations on polymetallic nodules, polymetallic sulphides, gas hydrates, offshore oil and gas, and other offshore resources in Indonesia. The speakers included experts from India, Australia, China, Canada, Germany and Indonesia. It was proposed to hold a similar seminar in Brazil in 2008. Regrettably, owing to unforeseen circumstances, this seminar will not take place. However, the Government of the Federal Republic of Nigeria has agreed to host a seminar later in 2008 for members of the Authority in the West and Central African region.

83. In light of the positive reaction to the Indonesia seminar, it is proposed to convene two further seminars in 2009 and 2010. The purpose of the seminars is to inform government officials, marine policymakers and scientists at national and regional institutions of the work of the Authority and to promote the participation of scientists from institutions in developing countries in marine scientific research being undertaken in the Area by international research organizations.

## **C. International cooperation in marine scientific research**

84. Scientific research into the deep-sea environment is essential, but it is also extremely expensive and beyond the capacity of many individual States. From the outset, the Authority has recognized that the most effective means of gaining better knowledge of the deep ocean environment is to encourage cooperation among States, national scientific institutions and contractors in areas of environmental study and research. Thus, one of the core recommendations of the Authority's 1998 workshop in Sanya, China, was for the Authority to work with the international scientific community and contractors in order to identify critical issues suitable for international collaboration. Such common studies would encourage cooperation and economy and would be cost-effective for all concerned. This was followed up in 2002

with a workshop specifically aimed at identifying the prospects for international collaboration in marine scientific research. That workshop led to the development of the Kaplan project (described below) as well as efforts to establish other avenues for international collaboration.

## 1. The Kaplan project

85. To date, the most successful example of a collaborative project between a group of international scientists and institutions and the Authority is the Kaplan project. This project, which was funded mainly by the J. M. Kaplan Fund with additional contributions from the Authority, was initiated in 2002 and concluded in 2007. The aim of the project was to assess levels of biodiversity, species range and gene flow in abyssal nodule provinces. A preliminary summary of the findings from the project was provided in the annual report of the Secretary-General for 2007 (ISBA/13/A/2, paras. 68-75) (for the final report of the project, see Biodiversity, Species Ranges and Gene Flow in the Abyssal Pacific Nodule Province: Predicting and Managing the Impacts of Deep Seabed Mining, ISA Technical Study, No. 3 (2008)). In addition, an abbreviated summary of the results of the project has been prepared for the benefit of members of the Authority during the fourteenth session (ISBA/14/C/2). The same document was also made available to the General Assembly Ad Hoc Open-ended Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, which met in New York from 28 April to 2 May 2008.

86. As a direct result of the Kaplan project, in October 2007 a group of scientists, including some of the principal researchers involved in the Kaplan project, met to develop a preliminary set of recommendations for criteria for determining the size and location of a network of representative preservation zones in the Clarion-Clipperton zone. The draft recommendations will be presented to the Legal and Technical Commission and to the Council at the fourteenth session.

## 2. Global Census of Marine Life on Seamounts collaboration

87. The Census of Marine Life is a global network of researchers in more than 80 nations engaged in a 10-year scientific initiative to assess and explain the diversity, distribution and abundance of life in the oceans. The work of the Census is split into a series of programmes, each of which considers a specific type of environment. The Authority has been actively involved in three of the programmes, namely:

(a) The Census of Diversity of Abyssal Marine Life (CeDAMar), which is concerned with the biodiversity of the abyssal plain (where polymetallic nodules are found);

(b) Biogeography of Deep-Water Chemosynthetic Ecosystems (ChEss), which is concerned with the diversity, distribution and abundance of fauna in relation to chemosynthetic ecosystems such as hydrothermal vents (where polymetallic sulphides are found);

(c) The Global Census of Marine Life on Seamounts (CenSeam), which is concerned with the biodiversity of seamounts (where cobalt-rich crusts are found).

88. During the Authority's 2006 workshop on cobalt-rich crusts and the diversity and distribution patterns of seamount fauna, participants identified the Western Central Pacific Ocean as one of the major ocean regions where large seamounts exist that have sufficiently thick cobalt-rich crusts to be of commercial interest. The area identified as being of greatest interest, and where very few seamounts have been sampled, stretches west from the Hawaiian Islands to the Marianas Trough in a band between approximately 8°N and 24°N. It was suggested that there was scope for collaborative arrangements between the Authority and CenSeam to improve knowledge of the biodiversity of seamounts in this area.

89. Following initial discussions in 2006 and 2007, the Authority entered into a collaborative arrangement with CenSeam in 2008. Under the arrangement, CenSeam will provide the Authority with

data on seamount biodiversity in the Western Pacific Ocean, including lists of species associated with cobalt-rich ferromanganese crusts deposits and species associated with seamounts in general. The data to be provided will include, inter alia, a list of species found at crusts and non-crusts locations, a representative image of each species listed, a reference to the original taxonomic description, full sample data (latitude and longitude, seamount name, depth and other appropriate information) and recommendations to input into the formulation of environmental guidelines for future mining contractors. It is expected that the results will be delivered to the Authority by the end of 2008. As noted in paragraph 81, the Authority intends to convene an international workshop in 2010 to review the results of the project and identify and promote future collaborations. It is expected that the results will facilitate efforts by the Authority to establish appropriate databases and enable future contractors for cobalt-rich ferromanganese exploration with the Authority to establish environmental baselines in their contract areas.

### 3. Future collaborations

90. As a result of the Authority's workshops, and based on the experience gained with the Kaplan project, a number of other potential collaborations have been identified and are in the process of being developed. These include collaboration with ChEss to obtain relevant species lists for fauna associated with polymetallic sulphides deposits in the Area.

## XV. ONGOING ASSESSMENT OF AVAILABLE DATA RELATING TO PROSPECTING AND EXPLORATION FOR POLYMETALLIC NODULES IN THE CLARION-CLIPPERTON ZONE

91. The activities currently being undertaken by the Authority in relation to this activity under the work programme for the period 2008-2010 include further development of the Central Data Repository and the establishment of geological models and prospectors' guides for mineral provinces of commercial interest in the Area, in particular polymetallic nodule deposits.

### A. **Geological model of polymetallic nodule deposits in the Clarion-Clipperton fracture zone**

92. The Authority will continue the development of a geological model of polymetallic nodule deposits in the Clarion-Clipperton zone. Progress on Phase I of the project in 2007 and 2008 was delayed due to difficulties experienced by two consultants who were unable to complete their work on time. This in turn meant that some of the scientists contracted to perform consequential work were unable to complete their tasks. The programme has had to be readjusted and work on the project is now expected to be completed during 2008. Expected outputs include: 0.1° grid resource maps, illustrative maps of sediment data, a report on tectonic and volcanic data, a report on the morphology of nodules, a report on organic carbonate and carbon export fluxes, a first draft of the geological model, the associated prospectors' guide and a resource assessment of the metals of commercial interest in polymetallic nodules in the Clarion-Clipperton zone.

93. During the spring of 2009, a workshop will be held at which the results of the work products will be presented to, inter alia, institutions and national geological surveys that provide resource assessments of marine mineral resources in the Area. After the workshop, its results, including the model, the guide and the resource assessment will be published, and as appropriate, uploaded on the Authority's website. It is anticipated that the project will be completed during 2009.

## **B. Geological model of polymetallic nodule deposits in the Central Indian Ocean basin**

94. The Authority will also initiate work on a geological model of polymetallic nodule deposits in the Central Indian Ocean basin. As was the case with the geological model of polymetallic nodules in the Clarion-Clipperton zone, the Authority will call upon the services of scientists with expertise in areas such as sedimentation regimes, the calcium carbonate compensation depth in the basin and its relationship with nodule grade and abundance, biological and environmental parameters of relevance to the model, and the assistance of contractors (especially India, which has been engaged in exploring for polymetallic nodules in this region).

95. The Central Indian Ocean basin project will be initiated during 2009. A meeting of experts will be convened to draw up a detailed programme of work and to identify possible expert team members and interested scientists from contractors to begin to work on developing the model throughout 2009. A midterm meeting of the team members is proposed during 2010 to examine progress and suggest modifications to the work programme. It is proposed to complete the project in 2011. As with the project for the Clarion-Clipperton zone, the main outputs of the project will include a prospectors' guide and a resource assessment of the metals of commercial interest in the polymetallic nodule deposits in the Central Indian Ocean basin.

## **XVI. RECENT DEVELOPMENTS WITH RESPECT TO DEEP SEABED MINING**

96. As noted in paragraph 79 of the present report, one of the conclusions reached by the participants in the Chennai workshop was that metal prices, particularly nickel prices, are a major factor in the profitability and attractiveness of investments in deep seabed polymetallic nodule mining. At the present moment, the trend in prices for cobalt, copper, nickel and manganese, which are the main metals that would be derived from seabed mining, continues to show strong upward movement, albeit with some volatility, particularly in prices for cobalt. As a result of this upward trend in prices, land-based production has increased steadily to cope with increased demand and several major nickel projects, including in New Caledonia, Australia, Philippines and Canada have either come onstream recently or are likely to come onstream in the next two years. Nevertheless, the midterm outlook for metal prices continues to be optimistic as it is anticipated that supply will struggle to keep up with demand as a result of rapid industrialization, particularly in China, India and the Russian Federation, combined with fast-growing markets in new end-uses, such as (in the case of cobalt) superalloys and nickel metal hydride batteries.

97. In these circumstances, recent years have seen increased interest in seabed mining from the private sector. The activities of Nautilus Minerals have been noted in previous reports of the Secretary-General. The company currently holds exploration licenses for seafloor massive sulphide deposits in water under the national jurisdiction of Papua New Guinea, Fiji and Tonga. Indeed, Papua New Guinea was the first country in the world to grant commercial exploration licenses for seafloor massive sulphide deposits when it granted the first license to Nautilus Minerals in 1997. In 2006, the company listed on both the Toronto Stock Exchange and the Alternative Investment Market of the London Stock Exchange. Since then, it has raised over \$349 million to fund its exploration projects. Major shareholders in Nautilus Minerals include Anglo American plc, Epion Holdings Limited and Teck Cominco.

98. The current focus of Nautilus Minerals activities is the exploration, mine planning and development activities associated with its Solwara 1 project, believed to contain high-grade deposits of copper, gold and zinc, which is situated 50 kilometres north of Rabaul, the main port of East New Britain Province in Papua New Guinea, at depths of around 1,600 metres. In 2007, Nautilus Minerals announced that, subject to the permission and approval of the Government of Papua New Guinea, development activities at Solwara 1 would be expected to commence in 2009 and first concentrate sales would be expected in 2010 from an onshore processing facility. The company has already carried out extensive

metallurgical testing and is now engaged in the design and construction of a mining system. In December 2007, the company awarded a contract to Soil Machine Dynamics, a United Kingdom registered company, to design and build two seafloor mining machines. In the meantime, a competitive engineering design programme is also under way to develop and test a pump and riser system. Also in 2007, Nautilus Minerals reported that it committed approximately \$23 million to environmental studies and exploration activities for Solwara 1.

99. According to its website, [www.neptuneminerals.com](http://www.neptuneminerals.com), Neptune Minerals is a United Kingdom registered company which was founded in 1999 to explore, develop and commercialize seafloor massive sulphide deposits. The company listed on the Alternative Investment Market of the London Stock Exchange in 2005. Its administrative office is based in Sydney, Australia. The company currently holds exploration licences totalling more than 278,000 square kilometres in the territorial waters of New Zealand, Papua New Guinea, the Federated States of Micronesia and Vanuatu. It recently completed its second and third exploration programmes, Kermadec 07 and Colville-Monowai 07, offshore New Zealand. Neptune Minerals also reports that it has exploration applications pending covering 434,000 square kilometres in the territorial waters of New Zealand, Japan, Commonwealth of Northern Mariana Islands (United States), Palau and Italy.

100. Governments are also showing increased interest in the development of new marine mineral resources. For example, Japan's new ocean policy, developed under its Basic Law of the Sea of 2007, emphasizes the need to develop methane hydrate and hydrothermal deposits within Japan's exclusive economic zone and calls for the commercialization of these resources within the next 10 years.

101. Although the activities reported above are taking place within waters under national jurisdiction, they are clearly relevant to the work of the Authority and indicative of growing commercial interest in marine minerals. The resources that are being targeted also occur in the Area, and it is likely that the same technologies that are being developed for use within areas under national jurisdiction would also be adapted for use in the Area. Similar economic considerations would also apply to projects in the Area.

## XVII. CONCLUDING REMARKS

102. The present report will be the last annual report to be presented by the incumbent Secretary-General, Satya N. Nandan, who will end his term of office on 31 December 2008. On the occasion of his election as the first Secretary-General of the Authority on 21 March 1996, the Secretary-General noted that the main task for the Authority, once the political structures and organizational aspects had been put in place, was to provide a machinery for the administration of the resources of the deep seabed, which is the common heritage of mankind. The Authority represents a unique experiment in international relations. It is the only international body with the responsibility of administering a global commons for the benefit of mankind. The purpose of the Authority's work is to encourage the orderly development of the resources of the deep seabed so that the international community as a whole may benefit from them. To achieve these objectives, States parties to the Convention have established through the Authority the legal framework for those who wish to invest in the mining of minerals from the deep seabed. The Secretary-General further noted that the next step in the development of the Authority was to reach out and involve all those who are likely to undertake research and development activities in the deep seabed, including those who are associated with those activities through the development of marine technology, as well as those who had been registered as pioneer investors through the Preparatory Commission.

103. Twelve years later, it is apparent that the necessary institutional framework to establish the Authority as an autonomous international organization has been completed. In accordance with the 1994 Agreement, this has been done through an "evolutionary approach" and in a way that minimizes costs to members of the Authority. The Authority has also made substantial progress in implementing the substantive tasks it identified for itself in 1997. The regulatory framework for prospecting and exploration



for polymetallic nodules was completed in 2000 and considerable progress has been made in elaborating a similar regulatory framework for polymetallic sulphides and cobalt-rich ferromanganese crusts. The Authority has also developed preliminary environmental guidelines for minerals exploration in the Area and has largely completed a resource assessment of the areas reserved for the Authority. In terms of furthering its general responsibility to promote and encourage the conduct of marine scientific research in the international area, the Authority has made greater progress than could have been anticipated in 1997 through its technical workshops and seminars. These workshops and seminars have brought together a very wide range of internationally respected scientists, engineers, lawyers and economists from both the public and private sectors to engage on issues of the greatest interest to the Authority. Through the publication of the results of the workshops, the information presented has been disseminated to all member States. This is a considerable achievement.

104. One of the most important milestones in the life of the Authority was to give formal recognition, in accordance with the provisions of the 1994 Agreement, to the claims of the former registered pioneer investors and thus to bring them within the single regime created by the Convention and the 1994 Agreement. This was a particularly important step because it not only demonstrated that the institutional structure of the new Authority could function effectively, but it was also an expression of confidence in the system on the part of the contractors. That confidence was further reinforced when an entity sponsored by the Federal Republic of Germany became the eighth contractor with the Authority in 2006.

105. It is essential, for the future well-being of the Authority, that this confidence in the system is maintained through the ongoing monitoring of contracts for exploration. Unless the terms of contracts are observed and, where necessary, enforced, it will be difficult to attract genuine commercial interest in deep seabed mining in the Area. It is readily apparent that most of the efforts of the present contractors are directed at long-term environmental studies and the collection and analysis of environmental baseline data, financed through government funding by sponsoring or participating States, rather than any serious commercial research and development. In this regard, the role of the Council is critical. The way in which the Council is structured is the result of many months of painstaking negotiation. It contains a finely balanced decision-making mechanism that is intended to safeguard the interests of all States, even though it is apparent that a number of the States represented in the Council have conflicting interests as the State sponsors of contractors with the Authority on the one hand and custodians of the common heritage of mankind on the other hand. It will be particularly important in the coming years for all members of the Council, and for the Council as a whole, to ensure that at all times it acts in the best interests of the Authority and with the institutional objective of encouraging the orderly development of the resources of the deep seabed for the benefit of mankind firmly at the forefront.

106. At the same time, it is equally important that the work of the Authority continues to be supported by a secretariat that is not only technically qualified but also able to offer advice to member States and to the technical bodies of the Authority on the highly complex and technical issues associated with the management of the resources of the deep seabed and the environment in which they occur as well as on bringing deep seabed mining to fruition. The Convention and the 1994 Agreement ascribe particular functions and responsibilities to the Secretary-General and the secretariat to act on behalf of the Authority as a whole, including the need to interact with investors and commercial interests in seabed mining. These responsibilities need to be implemented judiciously. In an organization such as the Authority, the secretariat has a particularly important role to play in providing guidance to member States, including by participating constructively in the technical work and contributing to the discussions on substantive matters within the organs of the Authority.

Annex

*Members of the Advisory Panel for the International Seabed Authority Endowment Fund  
for Marine Scientific Research in the Area*

*Alfredo García Castelblanco*

Permanent Representative of Chile to the International Seabed Authority  
and Ambassador Extraordinary and Plenipotentiary of Chile to Jamaica

*Chen Jinghua*

Permanent Representative of China to the International Seabed Authority  
and Ambassador Extraordinary and Plenipotentiary of the People's  
Republic of China to Jamaica

*Francis Hurtut*

Permanent Representative of France to the International Seabed  
Authority and Ambassador Extraordinary and Plenipotentiary of the  
French Republic to Jamaica and Bahamas

*High Commissioner of Nigeria to Jamaica*

(pending appointment of a new High Commissioner)

*Coy Roache*

Deputy Permanent Representative of Jamaica to the International Seabed  
Authority

*Elva G. Escobar*

Universidad Nacional Autónoma de México (member of the Legal and  
Technical Commission)

*Craig Smith*

Department of Oceanography, University of Hawaii, Manoa, United States

*Lindsay M. Parson*

National Oceanography Centre, Southampton, United Kingdom (former  
member of the Legal and Technical Commission)

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ISBA/14/A/7- Report of the Finance Committee  
ISBA/14/C/6

Date: 29 May 2008

1. During the fourteenth session of the International Seabed Authority, the Finance Committee held five meetings, on 26, 27, and 28 May 2008. The Committee re-elected Hasjim Djalal as Chairman.

I. AGENDA

2. The Committee adopted the agenda as contained in document ISBA/14/FC/L.1.

II. BUDGET FOR THE FINANCIAL PERIOD 2009-2010

3. The Committee examined the proposed budget of the International Seabed Authority for the financial period 2009-2010 (ISBA/14/A/3-ISBA/14/C/3) in the amount of \$12,752,400. In examining the budget, the Committee considered current global economic conditions, the overall increase in the proposed budget for 2009-2010 in relation to the budget for 2007-2008 and prevailing inflation rates. It

also considered proposed increases in costs related to staffing, communications, training, information technology, building management and conference services.

4. Following discussions in the Finance Committee, the Secretary-General revised the proposed budget by maintaining the same level of expenditure as had been approved in the previous budget period in respect of those items of expenditure over which the secretariat had some measure of control. The increases in the budget for the 2009-2010 period were therefore mainly for items of expenditure that were outside the control of the secretariat. As a result, the increase in the proposed budget for the financial period 2009-2010 was reduced from 8.2 to 6.2 per cent. The revised budget proposal for the financial period 2009-2010, in the amount of \$12,516,500, is contained in document ISBA/14/A/3/Rev.1-ISBA/14/C/3/Rev.1.

5. The Committee, after careful consideration, decided to recommend the approval of the proposed budget for the financial period 2009-2010 in the amount of \$12,516,500. The Committee further noted that, in accordance with the financial regulations of the Authority, the final assessed amount would be reduced by the application of the remaining accumulated surplus of the General Administrative Fund at the end of the previous financial period (2007-2008). The Committee also decided to recommend that for the financial period 2009-2010, the Secretary-General be authorized to transfer between appropriation sections up to 20 per cent of the amount in each section. The details of the approved budget are set out in annex I to the present report. The staffing table of the secretariat is contained in annex II.

### III. WORKING CAPITAL FUND

6. The Committee recommended that the level of the Working Capital Fund be updated, taking into account the current level of the budget of the Authority, which was higher than the level of the budget at the time the original fund had been established in 1997. Pending further consideration of the appropriate level of the Working Capital Fund, the Committee recommended that the Assembly authorize the Secretary-General to determine interim amounts for new members of their advances to the Working Capital Fund, taking into account their assessment rates for the regular budget of the United Nations, but not exceeding \$84,000.

### IV. SCALE OF ASSESSMENTS FOR 2009-2010

7. The Committee recommended that, in line with article 160 (2) (e) of the United Nations Convention on the Law of the Sea, the scale of assessments relating to the administrative budget of the International Seabed Authority for 2009 and 2010 be based on the scale of assessments used for the regular budget of the United Nations for 2008 and 2009, taking into account the ceiling assessment rate of 22 per cent and the floor assessment rate of 0.01 per cent. The Committee took note that the agreed annual contribution of the European Community would be increased from \$80,000 to \$100,000 and would be reviewed every four years. The indicative assessed contributions for 2009, without the adjustments arising from the accumulated surplus of the 2007-2008 financial period, are set out in annex III.

### V. AUDIT REPORT ON THE ACCOUNTS OF THE INTERNATIONAL SEABED AUTHORITY FOR 2007

8. The Committee considered the report of Deloitte & Touche on the audit of the accounts of the Authority for 2007. The view was expressed that the auditor's report should be in the format prescribed in paragraph 5 of the annex to the Financial Regulations of the Authority, and that the scope of the audit should include the administration and management of the Authority in accordance with financial regulation 12.3. The Committee examined and took note of the audit report.

## VI. ENDOWMENT FUND AND VOLUNTARY TRUST FUND

9. The Committee took note of the balance of the Authority's Endowment Fund as at April 2008, in the amount of \$2,687,044; the application fee of the Federal Republic of Germany as at April 2008, in the amount of \$280,994; and the balance of the Voluntary Trust Fund, in the amount of \$32,301. It was suggested that the format of reporting on the Voluntary Trust Fund include the opening balance from the previous calendar year, followed by current transactions and the ending balance.

10. The Committee recommended that an appeal be made to members of the Authority to contribute both to the Endowment Fund and the Voluntary Trust Fund.

11. The Committee decided to recommend that the Voluntary Trust Fund in 2009 be supplemented by a transfer of up to \$60,000 from the interest accrued from the Endowment Fund, and that the advance made by the Pioneer Investor Fund in the amount of \$135,000 be returned to the Endowment Fund. The Committee requested the Secretary-General to report on the management of the Endowment Fund and to make proposals at the fifteenth session on optimizing the returns from that Fund.

## VII. OTHER MATTERS

12. The Committee requested that the Secretary-General provide it with an organizational chart of the secretariat, including the mandates and responsibilities of the staff, which would be made available to the Committee by e-mail before the end of the calendar year.

13. The Committee expressed its concern about the outstanding contributions from members for prior periods (1998 to 2007) in the amount of \$291,958, and requested that the Secretary-General continue, at his discretion, to recover the amounts due.

14. The Committee again recommended that the Assembly of the International Seabed Authority encourage observers attending and participating in the meetings of the Authority to make voluntary contributions to the budget of the Authority, considering that they benefited from the facilities of the Authority.

15. The Committee requested that the Secretary-General prepare a document explaining the main lines of the research activities (including seminars) planned by the Authority for the 2009-2010 biennium. It would be made available to the Committee by e-mail before the end of the calendar year.

16. The Committee also requested the Secretary-General to report at its next session on cost-saving measures taken by the secretariat.

17. The Committee expressed its gratitude to the Secretary-General for having supported the work of the Committee over the past years.

## VIII. RECOMMENDATIONS OF THE FINANCE COMMITTEE

18. In the light of the foregoing, the Committee recommends that the Council and the Assembly of the International Seabed Authority:

(a) Approve the budget for the financial period 2009-2010 in the amount of \$12,516,500, as proposed by the Secretary-General;

(b) Authorize the Secretary-General to establish the scale of assessments for 2009 and 2010 based on the scale used for the regular budget of the expenses of the United Nations for 2008 and 2009,

taking into account that the maximum assessment rate will be 22 per cent and the minimum rate 0.01 per cent;

(c) Take note that the agreed annual contribution of the European Community will be increased from \$80,000 to \$100,000 and will be reviewed every four years;

(d) Urge the members of the Authority to pay their assessed contributions to the budget for 2009 on time and in full;

(e) Urge the members of the Authority to pay their assessed contributions to the budget for 2010 on time and in full;

(f) Authorize the Secretary-General to transfer up to \$60,000 from the interest accrued from the Endowment Fund to supplement the Voluntary Trust Fund in 2009, and eventually to return the advance made by the Pioneer Investor Fund in the amount of \$135,000 to the Endowment Fund;

(g) Authorize the Secretary-General to transfer the accumulated surplus from the previous financial period (2007-2008) to reduce the amount of assessed contributions for the financial period 2009-2010.

Annexes I, II and III  
[Not reproduced]

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**ISBA/14/A/8\* Decision of the Assembly of the International Seabed Authority relating to the budget of the Authority for the financial period 2009-2010**

Date: 6 June 2008  
118th meeting

[ISBA/14/A/L.2]

*The Assembly of the International Seabed Authority, acting on the recommendation of the Council,*<sup>1</sup>

1. *Adopts* the budget for the financial period 2009-2010 in the amount of 12,516,500 United States dollars;
2. *Authorizes* the Secretary-General to establish the scale of assessments for 2009 and 2010, based on the scale used for the regular budget of the United Nations for 2008 and 2009, as adjusted by the Authority, respectively, taking into account that the maximum assessment rate will be 22 per cent and the minimum rate 0.01 per cent;
3. *Notes* that the agreed annual contribution of the European Community will be increased from 80,000 United States dollars to 100,000 United States dollars and will be reviewed every four years;
4. *Authorizes* the Secretary-General to transfer the accumulated surplus from the previous financial period (2007-2008) to reduce the amount of assessed contributions for 2009 and 2010;
5. *Urges* the members of the Authority to pay their assessed contributions to the budget for 2009 and 2010 on time and in full;

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\* Reissued for technical reasons.

<sup>1</sup> ISBA/14/C/10.

6. *Decides* that, for each year, 2009 and 2010, the Secretary-General is authorized to transfer between appropriation sections up to 20 per cent of the amount in each section;

7. *Appeals* to the members of the Authority to pay outstanding contributions to the budget of the Authority from previous years as soon as possible and requests the Secretary-General to inform the members of the Authority of this appeal;

8. *Authorizes* the Secretary-General to transfer up to 60,000 United States dollars from interest accrued from the Endowment Fund to supplement the Voluntary Trust Fund in 2009, and eventually to return the advance of 135,000 United States dollars made by the then Pioneer Investor Fund to the Endowment Fund.

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**ISBA/14/A/9 Decision of the Assembly of the International Seabed Authority concerning the appointment of the Secretary-General of the International Seabed Authority**

Date: 5 June 2008  
118th meeting

[ISBA/14/A/L.3 and ISBA/14/C/9]

*The Assembly of the International Seabed Authority, acting in accordance with article 160, paragraph 2 (b), of the United Nations Convention on the Law of the Sea of 10 December 1982,*

*Elects* Mr. Nii Allotey Odunton (Ghana) as Secretary-General of the International Seabed Authority for a four-year term from 1 January 2009 to 31 December 2012.

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**ISBA/14/A/12 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**

Date: 6 June 2008  
119th meeting

[ISBA/14/A/L.4\*]

*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 of the International Seabed Authority for a four-year period as from 1 January 2009, subject to the understandings reached in the regional and interest groups:<sup>1</sup>

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<sup>1</sup> The agreed allocation of seats on the Council is 10 seats to the African Group, 9 seats to the Asian Group, 8 seats to the Western European and Others Group, 7 seats to the Latin American and Caribbean Group and 3 seats to the Eastern European Group. Since the total number of seats allocated according to that formula is 37, it is understood that, in accordance with the understanding reached in 1996 (ISBA/A/L.8), each regional group other than the Eastern European Group will relinquish a seat in rotation. The regional group which relinquishes a seat will have the right to designate a member of that group to participate in the deliberations of the Council without the right to vote during the period the regional group relinquishes the seat.

**Group A**

China  
Japan

**Group B<sup>2</sup>**

India

**Group C**

Canada  
South Africa

**Group D**

Bangladesh  
Brazil  
Sudan

**Group E**

Angola  
Argentina  
Czech Republic  
Guyana  
Kenya  
Namibia  
Senegal  
Netherlands  
Poland  
Spain  
Trinidad and Tobago  
United Kingdom of Great Britain and Northern Ireland

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<sup>2</sup> The Republic of Korea, having been elected for a four year term in 2006 as a member of Group E, will relinquish its seat in Group E with effect from 1 January 2009 and will take up the seat in Group B that was previously occupied by the United Kingdom for the remainder of the term of the Republic of Korea, without prejudice to future elections.

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**ISBA/14/A/13 Statement of the President on the work of the Assembly at the fourteenth session**

Date: 6 June 2008

1. The fourteenth session of the Assembly of the International Seabed Authority was held at Kingston from 26 May to 6 June 2008.

**I. ADOPTION OF THE AGENDA**

2. At its 114th meeting, on 26 May 2008, the Assembly adopted its agenda for the fourteenth session (ISBA/14/A/1).

## II. ELECTION OF THE PRESIDENT AND VICE-PRESIDENTS OF THE ASSEMBLY

3. At the 115th meeting, Ryzsard Kotlinski (Poland) was elected President of the Assembly for the fourteenth session. Following consultations in the regional groups, the representatives of Indonesia (Asia), Uganda (African Group) and Italy (Western European and Other States) were elected as Vice-Presidents.

## III. 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 Burkina Faso, China, Finland, Japan, Mexico, New Zealand, the Russian Federation, Suriname and the United Republic of Tanzania. Scott Sheeran (New Zealand) was elected by the Committee as its Chairman.

5. The Committee held one meeting, on 3 June 2008, during which it examined the credentials of representatives participating in the fourteenth session of the Assembly. The Committee had before it a memorandum by the Secretariat dated 2 June 2008 on the status of those credentials. The report of the Committee is contained in document ISBA/14/A/10. At its 118th meeting, on 5 June 2008, the Assembly adopted the report of the Committee with the oral revisions proposed by its Chairman. The decision of the Assembly relating to credentials is contained in document ISBA/14/A/11.

## IV. ANNUAL REPORT OF THE SECRETARY-GENERAL

6. At the 115th meeting, on 28 May 2008, the Secretary-General introduced his annual report to the Assembly (ISBA/14/A/2), as required by article 166, paragraph 4, of the United Nations Convention on the Law of the Sea.

7. Statements on the report of the Secretary-General were made by the delegations of Algeria, Argentina, Bangladesh, Belgium, Brazil, Burkina Faso, Canada, Chile, China, Cuba, Egypt, Fiji, Ghana, Guyana, India, Indonesia, Jamaica, Kenya, Lebanon, Mexico, New Zealand, Norway, the Netherlands, Nigeria, Poland, the Russian Federation, Senegal, South Africa, Spain, the Sudan, Suriname, Tonga, Trinidad and Tobago, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and Viet Nam.

8. Members of the Authority expressed their general satisfaction with the detailed report and indicated their support for the work that had been undertaken by the Authority. One delegation, while expressing satisfaction at the depth of the scientific aspects of the work 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 regulations on polymetallic sulphides and cobalt-rich ferromanganese crusts. A number of delegations expressed their support for the workshops and seminars convened by the Authority. The delegation of Chile offered to host a workshop in 2009 and indicated that it would provide details to that effect after the session. The delegation of Tonga also proposed to host a regional seminar in cooperation with the Authority. In view of the high metal prices and perceived imminence of deep seabed mining, another delegation requested a seminar on the impact of deep seabed mining on the economies of developing land-based producing countries. Considerable support was expressed for the geological model of polymetallic nodule resources in the Clarion-Clipperton fracture zone, and several delegations voiced their interest in a model for those resources for the Central Indian Ocean basin.

9. A number of delegations expressed their satisfaction with the Authority's library and voiced appreciation for the redesigned website and the publications issued by the Authority.



10. Delegations urged the 23 members of the Authority that had not yet become parties to the 1994 Agreement to become parties to it as soon as possible. Delegations also welcomed Brazil and Uruguay, which had become parties to the 1994 Agreement in the last year.

11. Some delegations urged member States that had not yet ratified the Protocol on the Privileges and Immunities of the Authority to do so. It was noted that, as at 31 March 2008, 25 members were parties to the Protocol.

12. 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. At the same time, delegations appealed for additional contributions to be made to the Fund.

13. The establishment of the Endowment Fund for the promotion of marine scientific research was welcomed by many delegations, which 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. A contribution to the Fund by the United Kingdom of Great Britain and Northern Ireland and the pledge of an additional contribution by Spain were noted with appreciation.

14. 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.

15. On 9 June 2008, Kenneth Baugh, Deputy Prime Minister and Minister for Foreign Affairs and Foreign Trade of Jamaica, made a statement to the Assembly in which he reiterated his Government's "unwavering commitment" to the International Seabed Authority and reassured the Authority of his country's cognizance of its obligations as host country.

## V. REPORT AND RECOMMENDATIONS OF THE FINANCE COMMITTEE

16. At its 118th meeting, on 5 June 2008, the Assembly considered the report of the Finance Committee (ISBA/14/A/7). On the basis of the recommendations of the Council contained in document ISBA/14/C/10, the Assembly decided to adopt the budget for the financial period 2009-2010 in the amount of \$12,516,500. The Assembly also decided to authorize the Secretary-General to establish the scale of assessments for 2009 and 2010, based on the scale used for the regular budget of the United Nations for 2008 and 2009, as adjusted by the Authority, respectively, taking into account that the maximum assessment rate will be 22 per cent and the minimum rate 0.01 per cent. The decision of the Assembly relating to the budget of the Authority and related matters is contained in document ISBA/14/A/8.

## VI. ELECTION OF THE SECRETARY-GENERAL OF THE INTERNATIONAL SEABED AUTHORITY

17. At its 118th meeting, the Assembly elected Nii A. Odunton (Ghana) as Secretary-General of the Authority for a term of four years to begin 1 January 2009.

18. Member States paid tribute to the outgoing Secretary-General as one of the founding fathers of the law of the sea as well as of the Authority, and acknowledged his pioneering efforts with respect to the establishment of the Authority. The Assembly also decided to name the Authority's library the Satya N. Nandan Library in honour of the outgoing Secretary-General.

## VII. ELECTION TO FILL THE VACANCIES ON THE COUNCIL

19. At its 119th meeting, on 6 June 2008, the Assembly elected the following members to fill the vacancies in the Council of the International Seabed Authority for a four-year period as from 1 January 2009, subject to the understandings reached in the regional and interest groups: Group A: China, Japan; Group B: India; Group C: Canada, South Africa; Group D: Bangladesh, Brazil, Sudan; and Group E: Angola, Argentina, Czech Republic, Guyana, Kenya, Namibia, Senegal, Netherlands, Poland, Spain, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland

20. The decision of the Assembly relating to the election to fill vacancies on the Council is contained in document ISBA/14/A/12.

## VIII. DATE OF THE NEXT SESSION OF THE ASSEMBLY

21. The tentative dates for the fifteenth session of the Assembly are 13 to 24 April 2009. It will be the turn of the Group of Latin American and Caribbean States to propose a candidate for the presidency of the Assembly in 2009.

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### ISBA/14/C/4      Review of outstanding issues with respect to the draft regulations on prospecting and exploration for polymetallic sulphides in the Area

Prepared by the Secretariat

Date: 8 April 2008

1. The purpose of the present paper is to update members of the Council on the outstanding issues with respect to the draft regulations on prospecting and exploration for polymetallic sulphides in the Area (ISBA/13/C/WP.1) in preparation for continued discussion of the regulations at the fourteenth session of the Authority.

#### I. BACKGROUND AND PROGRESS TO DATE<sup>1</sup>

2. The Council will recall that in 1998 the delegation of the Russian Federation had formally requested the Authority to develop regulations for prospecting and exploration for polymetallic sulphides and cobalt crusts. A workshop on these resources was held in June 2000, and in 2001 a document was placed before the Council (ISBA/7/C/2) summarizing the discussion at the workshop and indicating the considerations to be borne in mind in drafting regulations.

3. The Council then decided to request the Legal and Technical Commission to prepare draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich crusts. The Legal and Technical Commission, with assistance from the Secretariat, prepared such a draft in 2003 and 2004, which was subsequently considered by the Council during the eleventh session in 2005.

4. Following a first reading of the draft, the Council asked the Secretariat to clarify certain points, and the Secretariat submitted two technical information papers to the Council in 2006 (ISBA/12/C/2 and

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<sup>1</sup> For a chronology, with references to relevant documents, see annex II to the present document.

ISBA/12/C/3). At its 106th meeting, on 8 August 2006, the Council was provided with an oral briefing on the technical issues dealt with in those papers. The briefing was given by the Secretariat with the assistance of two technical experts, James Hein and Charles Morgan. In addition, Mr. Morgan presented to the Council a report on the preliminary outcomes of a workshop on the technical and economic considerations relating to mining of polymetallic sulphides and cobalt-rich crusts, held from 31 July to 4 August 2006. At the request of the Council, a summary of the workshop recommendations was issued in the form of a document (ISBA/12/C/7). The delegation of the Russian Federation also submitted a draft proposal relating to the draft regulations (ISBA/12/C/6).

5. Following extensive discussion of the way in which the Council would address the outstanding technical issues with respect to the draft regulations, it was agreed that the Secretariat should attempt to revise the draft regulations further in the light of the outcomes of the technical workshop and the presentations, proposals and discussions in the Council during the twelfth session. In revising the draft, it was agreed that separate sets of regulations would be prepared for polymetallic sulphides and cobalt crusts. In considering the revised draft regulations, the Council recommended that priority be given to the regulations relating to polymetallic sulphides.

6. In accordance with the Council's request, the Secretariat prepared a set of draft sulphides regulations in October 2006. The draft was circulated to outgoing members of the Legal and Technical Commission, who were asked to submit their comments by 31 December 2006. Comments were received from three members of the Commission. In the light of those comments, the Secretariat prepared an explanatory note, annexing the revised draft sulphides regulations, for consideration by the Council in 2007 (ISBA/13/C/WP.1). Also in accordance with the Council's request, the Secretariat prepared separate draft regulations relating to cobalt-rich ferromanganese crusts for further consideration by the Legal and Technical Commission (ISBA/13/LTC/WP.1).

7. During the thirteenth session, following a general debate on the revised draft regulations on prospecting and exploration for polymetallic sulphides and briefing by an expert, Mark Hannington, on global exploration models for polymetallic sulphide deposits in the Area, the Council completed a detailed reading of regulations 1 to 43 and agreed on revisions to some of those regulations. Also during the thirteenth session, the Legal and Technical Commission began consideration of the draft regulations relating to cobalt-rich ferromanganese crusts prepared by the Secretariat. The Commission focused its consideration on two issues: the size of the area to be allocated for exploration and the progressive fee system, but considered that the background information available to date was not sufficient to provide a recommendation to the Council on any given system for site allocation for prospecting and exploration. It agreed to continue its work during the fourteenth session.

8. The discussions in the Council, and the revisions that were agreed upon, at the thirteenth session focused primarily on the provisions in the draft regulations dealing with the protection and preservation of the marine environment. There was little discussion of the key outstanding issues, namely, the formula for determining the size of the exploration area, the introduction of a progressive fee system for exploration and the schedule of relinquishment. At the conclusion of the session, an informal text (in English) of the agreed revisions (ISBA/13/C/CRP.1) was provided to all delegations. The Council further agreed that the pending draft regulations (regulations 1(3), 12, 16, 19(2)(a), 21, 24(2), 27, 28(2), 33(2), 35, 36(2) and (3) and 38) would be taken up by the Council in 2008, together with a proposal to insert a review clause.

## II. OUTSTANDING ISSUES

9. To date, neither the Council, in relation to polymetallic sulphides, nor the Legal and Technical Commission, in relation to cobalt-rich crusts, has been able to make significant progress with respect to the key substantive issues outlined in the explanatory note to document ISBA/13/C/WP.1. These include:

- (a) The formula for determining the size of the exploration area for polymetallic sulphides;
- (b) The introduction of a progressive fee system for exploration;
- (c) The schedule of relinquishment;
- (d) The system for participation by the Authority.

10. In addition, the delegation of France, supported by those of Honduras, Germany and Spain, suggested that, in the light of the inadequate scientific and technical knowledge relating to polymetallic sulphides, the regulations should contain a review clause in the light of improved knowledge. The Secretariat was asked to provide a draft of such a provision, taking into account the discussions in the Council.

11. Although some adjustments had been proposed to the draft regulations contained in ISBA/13/C/WP.1 in the light of the recommendations that emerged from the Authority's workshop on technical and economic considerations relating to mining polymetallic sulphides and cobalt-rich crusts, it appeared that the proposed adjustments, particularly those relating to the size of areas for exploration, did not fully meet the expectations of members of the Council. Furthermore, it was apparent that the three core elements of the proposed regime: namely, the question of the fees to be paid by contractors in return for exclusive exploration rights, the formula for determining the size of exploration areas and the schedule for relinquishment, are so closely interlinked that they need to be considered as a package.

12. The present paper therefore reviews the issues involved with respect to the three core elements of the regime and presents further revised suggestions for discussion in relation to the draft regulations. Although the paper discusses the issues in relation to polymetallic sulphides, it is suggested that the principles involved are of equal relevance to the regime for exploration for cobalt-rich crusts and that the discussion may also be of assistance to the Legal and Technical Commission in its further consideration of regulations relating to exploration for cobalt-rich crusts.

### **A. Size of the exploration area for polymetallic sulphides**

13. Discussions to date suggest that, in the case of polymetallic sulphides, the appropriate size for each exploration block would be 100 square kilometres (km<sup>2</sup>), configured as a square measuring 10 kilometres by 10 kilometres (km). Although the possibility of using rectangular blocks had also been raised, it would appear that the preferred option, for reasons of technical and administrative convenience, would be to use a grid system (in this case corresponding to block sizes of approximately 10 km x 10 km each (0.1 x 60 nautical miles x 1.852 km = 11.11 km grid spacing).

14. In order to provide contractors with adequate opportunities for multi-year exploration, it would be necessary to permit applications for multiple blocks. The technical studies prepared for the Authority to date suggest that up to 100 blocks would be needed to cover the permissive areas in which polymetallic sulphides occur. The remaining issue is whether such blocks should be contiguous or non-contiguous. In the original draft of the regulations, it was proposed that exploration areas should consist of a maximum of 100 contiguous blocks (a block being considered contiguous where it touches another block at any point). The reason for this requirement was the concern that allowing a contractor to select non-contiguous blocks would enable "cherry-picking" of prospective sites along mid-ocean ridges to occur in such a way as to exclude other potential contractors. However, further technical study suggests that, while there should be some broad geographical limit on proximity, "splitting the exploration areas into clusters of non-contiguous blocks would be required in order to ensure that the final clusters can be spread over a large enough area to contain such resources".<sup>2</sup>

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<sup>2</sup> Study prepared by Mark Hannington and Thomas Monecke, of the University of Ottawa, 21 June 2006, "Global Exploration Models for Polymetallic Sulphide Deposits in the Area: possible criteria for lease block selection and the draft regulations on prospecting and exploration for polymetallic sulphides.

15. For these reasons, it is suggested that contractors should be allowed to organize exploration blocks into clusters. An appropriate formula might be to require at least five clusters of contiguous blocks where each cluster must contain not less than five blocks. This would permit a maximum configuration of 20 clusters of five blocks or a minimum configuration of five clusters of 20 blocks. Some suggested that limits on proximity of clusters might include a requirement that all blocks be located within a 5° square (although this may be cumbersome because 1° of latitude at the equator is significantly different from 1° of latitude at 80°N), or a more straightforward, but less precise, requirement that all blocks be located within “the same geographical area”.

16. There seems to be no disagreement with the proposal (which is consistent with the advice of technical experts) that the final exploitation area should be up to 2,500 km<sup>2</sup> made up of self-selected sub-blocks of any size, which need not be based on the original block allocation.

## **B. Application fees**

17. The initial draft of the proposed regulations for exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts included provision for the payment of an administrative fee of \$250,000 for each application for a plan of work for exploration. This provision was taken directly from the corresponding regulation relating to exploration for polymetallic nodules (ISBA/6/A/18, annex).

18. In the case of polymetallic nodules, each applicant for approval of a plan of work for exploration is required to pay a single fee of \$250,000. In accordance with regulation 19, this fee represents the administrative cost for processing the application and is to be reviewed from time to time by the Council in order to ensure that it covers the administrative costs incurred by the Authority in processing the application. The figure of \$250,000 was taken from the 1994 Agreement (annex, section 8, para. 3), which provides that with regard to the implementation of annex III, article 13, paragraph 2, of the Convention, the fee for processing applications for approval of a plan of work limited to one phase, either the exploration phase or the exploitation phase, shall be \$250,000. It will be recalled in this regard that Annex III of the Convention provides for the payment of a fee of \$500,000 for each phase. It will also be recalled that annex III, article 13, paragraph 3, of the Convention (which, by reason of the Agreement, no longer applies) also provided for the payment of an annual fixed fee of \$1 million from the date of entry into force of the contract. Part of this fee would also cover the ongoing administrative costs incurred by the Authority in supervising contracts for exploration. It is important to note that these ongoing costs are not covered under the present regime for nodules.

19. The figure of \$250,000 in the 1994 Agreement and in the nodules regulations was chosen to be consistent with resolution II of the Third United Nations Conference on the Law of the Sea, paragraph 7 of which provided that the initial fee for registration as a pioneer investor would be \$250,000, with a further fee of \$250,000 to be paid upon application for a plan of work for exploitation in accordance with the Convention.

20. During the Authority’s 2006 workshop on technical and economic considerations relating to mining polymetallic sulphides and cobalt-rich crusts, a number of adjustments were suggested, particularly in relation to the sizes of area to be allocated for exploration and the application fee for exploration. Those recommendations were elaborated and explained in document ISBA/12/C/7. In essence, it was suggested that, in order to provide the necessary incentives for the development of seabed mineral resources, exploration areas should be allocated according to a block system and that along with the introduction of the block system, an alternative should be provided to the single upfront application fee of \$250,000. That alternative system should allow contractors to pay a lower initial application fee, combined with an annual fee in respect of each exploration block. The annual fee would increase over time in order to provide an

incentive to contractors to proceed more rapidly to relinquish unused blocks and develop the resources (a so-called “progressive fee” system).

21. The scheme recommended by the 2006 workshop was reflected in the revised draft of the proposed regulations provided to the Council in 2007 (ISBA/13/C/WP.1, para. 11). However, taking into account the decision of the Council to proceed to draft regulations for sulphides and crusts separately, there remains a need to consider how the scheme could be applied in detail to each of these two resources.

### **C. Progressive fee system applied to polymetallic sulphides**

22. The idea of a variable or progressive fee per block comes from well-established terrestrial and offshore licensing systems where periodic increases in fees for retaining blocks acts as an incentive for more rapid relinquishment and, thus, development of the resources. This factor was considered particularly important by the 2006 workshop participants as a mechanism for promoting the development of seabed mineral resources.

23. Many nations levy a fee on economic activities that use land (including offshore lands) in some way, and in many instances this includes mineral sector activities. Such fees are usually based on area and are calculated by multiplying some standard rate for that type of activity times the land area being used for that activity. The rates that are charged vary widely, but are generally small in comparison to the take derived from profit- or income-based taxes during the mining phase of the operation. There are two arguments for this. First, a large surface rental fee that is paid irrespective of profit level would tend to harm mines subject to cyclical price fluctuations. Second, during the exploration phase, the larger the proportion of investors’ funds that go towards exploration, the better the chances that an ore body, and a taxable mine, will be located. On the other hand, the fee should be more than nominal. Again, two arguments can be made for this. First, the imposition of a fee will dissuade speculators from taking up ground and blocking out legitimate explorers. Second, as noted above it also is a good mechanism to generate an additional incentive to pursue exploration with due diligence. It is suggested that this is particularly relevant in the case of deep seabed mining because it is apparent that the system currently applicable in the case of polymetallic nodules provides no incentive to contractors to develop resources, but on the contrary provides an incentive to occupy potentially mineable areas, to the exclusion of others, until such time as economic conditions may prove more favourable.

24. The progressive fee option offers a number of potential benefits to the Authority and to contractors. The Authority would benefit from a progressive fee because it would mean that administrative costs could be absorbed and disbursed more easily within the existing budgetary framework. Contractors would benefit because they would not be required to pay a large upfront cost. In addition, if the progressive fee system was combined with the possibility of a more flexible system of relinquishment, contractors would have the opportunity to further reduce exploration costs.

### **D. Amount of the fee**

25. The next critical question is the amount of the fee. Usually, one would expect the progressive fee to be placed at a level which provides the contractor with an incentive to pay by instalments. This suggests that the Authority should offer a progressive fee option at a moderate discount to the fixed fee, combined with the possibility of a more aggressive schedule of relinquishment.

26. The fixed fee is currently \$250,000. However, it should be noted that this figure was established in 1983, or even before that during the negotiations leading to the adoption of the Convention. At 1983 values, \$250,000 is worth in excess of \$400,000 today, which strongly suggests that the fixed fee should be

increased at least in line with the changes in the value of money.<sup>3</sup> However, based on the experience to date with respect to exploration for polymetallic nodules, there are other objective reasons for increasing the fee in real terms, including the need to encourage due diligence by contractors, and, as proposed by the Legal and Technical Commission, the need to reflect the cost of ecosystem services provided by the Authority.<sup>4</sup> The ecosystem services included in the Area have not so far been evaluated, but would include, for example, the benefits of avoiding loss of biodiversity.

27. All these factors together would suggest that an appropriate level for the fixed fee would be from about \$500,000 to \$750,000. Furthermore, this should be applicable to all new applications for exploration for any type of resources, whether polymetallic nodules, polymetallic sulphides or cobalt-rich crusts.

28. If the fixed fee were to be set at, for example, \$500,000, the total progressive fee payable over 15 years should amount to a maximum of \$800,000.<sup>5</sup> This would be paid in the form of a modest initial payment, followed by an annual fee based on the total number of square kilometres retained by the contractor. The total annual fee payable would be commensurate with the total area retained. As illustrated in the table below, the initial payment is \$50,000. Thereafter, an annual fee is applied, based on the number of square kilometres retained multiplied by a factor. The factor is set at \$5 during the first five years of the contract, increasing to \$10 for the second five years and \$20 for the third period of five years. Square kilometres are used to define the area retained, rather than blocks, to allow the contractor greater flexibility in relinquishing parts of blocks in the form of sub-blocks.

#### Illustration of progressive fee system

<i>Contractor</i>	<i>Year</i>	<i>Upfront payment</i>	<i>Fee years 0-5</i>	<i>Fee years 6-10</i>	<i>Fee years 11-15</i>	<i>Total fee payable</i>
XXXXX	1	50 000	50 000	—	—	100 000
	2	—	50 000	—	—	50 000
	3	—	50 000	—	—	50 000
	4	—	50 000	—	—	50 000
	5	—	50 000	—	—	50 000
	6	—	—	50 000	—	50 000
	7	—	—	50 000	—	50 000
	8	—	—	50 000	—	50 000
	9	—	—	50 000	—	50 000
	10	—	—	50 000	—	50 000
	11	—	—	—	50 000	50 000
	12	—	—	—	50 000	50 000
	13	—	—	—	50 000	50 000
	14	—	—	—	50 000	50 000
	15	—	—	—	50 000	50 000
		<b>50 000</b>	<b>250 000</b>	<b>250 000</b>	<b>250 000</b>	<b>800 000</b>

#### E. Schedule of relinquishment and treatment of exploration costs

29. As noted above, to derive the maximum benefit from the progressive fee system, it would be necessary also to modify the current relinquishment schedule to allow for more rapid relinquishment of unwanted acreage. The current fixed schedule for polymetallic nodule exploration, which is based,

<sup>3</sup> As of 1 January 1983, the index value of the United States dollar was 117.91. As of 31 March 2008, the index value was 71.76, which means that the equivalent value of \$250,000 today, without applying any other factors, is approximately \$410,780.

<sup>4</sup> Payment for ecosystem services (PES) is the generic name of a variety of arrangements through which the beneficiaries of ecosystem services pay back to the providers of those services.

<sup>5</sup> The actual future value of \$500,000 at 4 per cent over 15 years is \$900,000.

necessarily, on the pioneer regime, provides no incentive to carry out more rapid exploration. In the case of polymetallic sulphides, it is suggested that the relinquishment provisions should be adjusted to allow contractors to relinquish sub-blocks, of any size, at any time. Such sub-blocks would be designated by the contractor in order to enable the contractor to delineate its final exploration area at the finest possible scale.

30. Another way in which Governments commonly provide incentives to the mining industry is by establishing special provision for the tax treatment of exploration expenses incurred before taxable income is available. In this way, the need for costly exploration programmes preceding the start-up of a mine can be recognized. This concept has been recognized in the regulations for polymetallic nodules, where the standard terms of contract suggest that actual exploration expenditures, declared in annual reports, may be set off against the eventual profits from mining, although this would need to be developed further in the context of regulations governing exploitation.

31. Although a system giving credit for actual and direct exploration costs is reasonable in a situation where the likely costs and time frame for exploration are known, it may be less appropriate in the case of exploration for deep seabed resources. In the case of polymetallic nodules, for example, it has become evident that there are very large disparities in the amounts being spent on exploration by each contractor. In some cases, the expenditure reported in annual reports is greatly in excess of the expenditure proposed in the original programme of activities. Furthermore, for nearly all contractors, the exploration phase has continued far longer than originally intended. Most of the exploration that is being carried out is not being conducted on a commercial basis but as long-term, government-funded research. If this situation is to continue, it is important that some form of limitation is placed on the level of the expenses that contractors may take into account as legitimate exploration expenses. Without any such limitation, the incentive is to continue open-ended research indefinitely, which would eventually be paid for out of royalties that would otherwise accrue to the benefit of the Authority for distribution to mankind.

## **F. Review clause**

32. In the light of the discussions in the Council during the thirteenth session, a proposed review clause has been drafted for consideration by the Council. Since the concern of the Council was to be able to review the Regulations in the light of improved knowledge of the resources, including their environment, it is suggested that there be provision for an automatic review, five years following the approval of the Regulations by the Assembly. The Council would then be able to make such revisions to the Regulations as may be necessary in the light of any new or improved knowledge. However, since the standard terms of contracts already provide a mechanism for making revisions to the contract, any such amendments to the Regulations would be without prejudice to the rights conferred on any contractor under the provisions of a contract in force at the time of any such revision.

33. At the same time, it is suggested that the review clause also permits a contractor which has entered into a contract for exploration for polymetallic sulphides to request the Council to consider revisions to these Regulations if, in the light of improved knowledge or technology, it becomes apparent that the Regulations are not adequate to enable the contractor to carry out exploration effectively and efficiently. Such a situation may arise, for example, where the contractor finds that the area allocated for exploration is inadequate to enable it to develop a prospective mine site.

## **III. RECOMMENDATIONS**

34. The Council is invited to note the background to the development of the draft regulations on prospecting and exploration for polymetallic sulphides and the progress to date. With respect to the outstanding issues identified in the present paper, the Council is invited to address these matters during the fourteenth session and to consider the issues of the area for exploration, fees and the schedule for



relinquishment on the basis of the suggested revisions to ISBA/13/C/WP.1, set out in annex I to the present document.

35. Although the issues raised in the present paper are complex, they all have previously been presented to the Council on a number of occasions. They have also been the subject of discussion in both the Legal and Technical Commission and in the Council. Technical information and briefings have been provided on these issues and updated on a number of occasions.

36. Notwithstanding the complexity of the subject matter, in order for the Council to make further progress on the draft regulations, there are a number of decisions that need to be taken, as follows:

- (a) Whether to adopt the block system for allocation of exploration areas as presented in annex I;
- (b) Whether to adopt the proposed adjustments to the system for relinquishment outlined in the present paper and annex I;
- (c) Whether to adopt the proposed progressive fee system outlined in the present paper and annex I;
- (d) Whether to adopt the revised fee levels as proposed in the present paper;
- (e) Whether to adopt the review clause proposed in annex I.

#### Annex I

#### *Suggested possible revisions to relevant provisions in ISBA/13/C/WP.1*

#### **Regulation [12]**

##### **Total area covered by the application (polymetallic sulphides)**

1. For the purposes of these Regulations, a “polymetallic sulphide block” means a cell of a grid as provided by the Authority, which shall be approximately 10 kilometres by 10 kilometres and no greater than 100 square kilometres.
2. The area covered by each application for approval of a plan of work for exploration for polymetallic sulphides **shall be comprised of not more than 100 polymetallic sulphide blocks, which shall be arranged by the applicant in at least five clusters, as set out in paragraph 3 below.**
3. **Each cluster of polymetallic sulphide blocks shall contain at least five contiguous blocks.** Two such blocks that touch at any point shall be considered to be contiguous. Clusters of polymetallic sulphide blocks need not be contiguous but shall be proximate and located within the same geographical area.
4. Notwithstanding the provisions in paragraph 2 above, where an applicant has elected to contribute a reserved area to carry out activities pursuant to article 9 of annex III to the Convention, in accordance with regulation 17, the total area covered by an application shall not exceed 200 polymetallic sulphide blocks. Such blocks shall be arranged in two groups of equal estimated commercial value and each such group of polymetallic sulphide blocks shall be arranged by the applicant in clusters, as set out in paragraph 3 above.

#### **Regulation [21]**

##### **Fee for applications (polymetallic sulphides)**

1. The fee for processing a plan of work for exploration for polymetallic sulphides shall be:
  - (a) A fixed fee of **500,000 United States dollars** or its equivalent in a freely convertible currency, payable by the applicant at the time of submitting an application; or

(b) At the election of the applicant, a fixed fee of **50,000 United States dollars** or its equivalent in a freely convertible currency, payable by the applicant at the time of submitting an application, and an annual fee calculated as set out in paragraph 2.

2. **The annual fee shall be calculated as follows:**

(a) **Five United States dollars multiplied by the area factor from the date of the first anniversary of the contract;**

(b) **Ten United States dollars multiplied by the area factor from the date of the first relinquishment in accordance with regulation 27(2); and**

(c) **Twenty United States dollars multiplied by the area factor from the date of the second relinquishment in accordance with regulation 27(3).<sup>a</sup>**

3. **The “Area factor” means the number of square kilometres comprised in the exploration area at the date upon which the periodic payment in question becomes due.**

4. The amount of the fee shall be reviewed from time to time by the Council in order to ensure that it covers the administrative costs incurred by the Authority in processing the application.

#### **Regulation [27]**

##### **Size of area and relinquishment**

1. The contractor shall relinquish the area allocated to it in accordance with paragraphs 2, 3 and 4 of this regulation. **Areas to be relinquished need not be contiguous and shall be defined by the contractor in the form of sub-blocks comprising one or more cells of a grid as provided by the Authority.**

2. By the end of the fifth year from the date of the contract, the contractor shall have relinquished at least 50 per cent of the original **area** allocated to it.

3. By the end of the tenth year from the date of the contract, the contractor shall have relinquished at least 75 per cent of the original **area** allocated to it; or

4. At the end of the fifteenth year from the date of the contract, or when the contractor applies for exploitation rights, whichever is earlier, the contractor shall nominate an area from the remaining **area** allocated to it to be retained for exploitation.

5. **The contractor may at any time relinquish parts of the area allocated to it in advance of the schedule set out in paragraphs 2, 3 and 4 above.**

6. Relinquished areas shall revert to the Area.

7. The Council may, at the request of the contractor, and on the recommendation of the Commission, in exceptional circumstances, defer the schedule of relinquishment. Such exceptional circumstances shall be determined by the Council and shall include, inter alia, consideration of prevailing economic circumstances or other unforeseen exceptional circumstances arising in connection with the operational activities of the Contractor.

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<sup>a</sup> The 2006 workshop recommended that the fee per block retained should double in the event of an extension of the contractor for exploration beyond 15 years, pursuant to regulation 28.

## Regulation [44] Review

1. Five years following the approval of these Regulations by the Assembly, the Council shall undertake a review of the manner in which the Regulations have operated in practice. In the light of the review, the Council may revise any of the provisions of these Regulations, without prejudice to the rights conferred on any contractor with the Authority under the provisions of a contract entered into pursuant to these regulations in force at the time of any such revision.

2. A contractor which has entered into a contract for exploration with the Authority pursuant to these Regulations may at any time request the Council to consider revisions to these Regulations if, in the light of improved knowledge or technology, it becomes apparent that the Regulations are not adequate to enable the contractor to carry out exploration effectively and efficiently. In the event that any provisions of these Regulations are amended following such request and consideration by the Council, the Contractor and the Authority may revise the contract in accordance with section 24 of annex 4.

### *Annex II*

#### *Chronology of the development of the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area*

<i>Year</i>	<i>Event</i>	<i>Reference</i>
1998	Russian Federation requests the Authority to develop regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts.	ISBA/4/A/18
2000	The Authority convenes an international scientific workshop on the status and prospects for seabed minerals other than polymetallic nodules.	Kingston, Jamaica, 26-30 June 2000
2001	Following the adoption in 2000 of the regulations for prospecting and exploration for polymetallic nodules, the Secretariat presents a report to the Council on considerations relating to the regulation of prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts, including a summary of the outcomes of the 2000 workshop and draft model clauses.	ISBA/7/C/2
	Council decides to continue its consideration of the issues at the next session and requests the Secretariat to provide additional background information. Decides also that the Legal and Technical Commission should commence consideration of the regulations.	ISBA/7/C/7
2002	A one-day technical seminar takes place during the eighth session of the Council in order to provide members of the Council with additional information about polymetallic sulphides and cobalt-rich ferromanganese crusts and the marine environment in which they occur.	ISBA/8/A/1 and Corr.1 ISBA/8/C/7

<i>Year</i>	<i>Event</i>	<i>Reference</i>
	Legal and Technical Commission begins consideration of the issues associated with the proposed regulations.	ISBA/8/C/6*
2003	Legal and Technical Commission meets for two weeks. During the first week, informal working groups are convened for detailed consideration of specific technical issues. The Secretariat is asked to prepare a consolidated draft of the regulations, taking into account the discussions from 2002 and 2003.	ISBA/9/C/4
2004	Legal and Technical Commission completes its work on the draft regulations and submits the outcome of its work to the Council. The Council has insufficient time for substantive consideration of the draft.	ISBA/10/C/WP.1 ISBA/10/C/10
2005	The Council undertakes a first reading of the draft prepared by the Legal and Technical Commission. As a result, the Council identifies substantive issues for further consideration and requests the Secretariat to prepare a revised text incorporating minor revisions arising from the first reading.	ISBA/10/C/WP.1/Rev.1* ISBA/11/C/5 (explanatory notes)
2006	(March) The Authority convenes an international scientific workshop on cobalt-rich crusts and the diversity and distribution patterns of seamount fauna.	Kingston, 26-31 March 2006
	(July) Immediately prior to the twelfth session, the Authority convenes an international workshop on technical and economic considerations relating to mining of polymetallic sulphides and cobalt-rich ferromanganese crusts. A summary of the workshop recommendations is presented to the Council.	ISBA/12/C/7
	(August) During the twelfth session, the Council resumes consideration of the draft regulations. The Secretariat provides additional clarification on critical issues as requested by the Council and provides a technical briefing with the assistance of experts.	ISBA/12/C/2 ISBA/12/C/3 ISBA/10/C/WP.1/Rev.1*
	Russian Federation submits a draft proposal relating to the draft regulations.	ISBA/12/C/6
	By the end of the twelfth session, the Council decides to request the Secretariat to further revise the draft regulations in the light of the outcomes of the technical workshop and of the presentations, proposals and discussions of the Council. The Council decides further that separate sets of regulations will be prepared for polymetallic sulphides and cobalt-rich ferromanganese crusts, and that the draft regulations on polymetallic sulphides should be circulated to the members of the Legal and Technical Commission before the end of 2006, so that the Council can be in a position to give substantive consideration to them in 2007.	ISBA/12/C/12

<i>Year</i>	<i>Event</i>	<i>Reference</i>
	(October) Secretariat distributes draft regulations on polymetallic sulphides to members of the Legal and Technical Commission. Comments requested by 31 December 2006.	
2007	(March) Secretariat prepares a revised draft of the regulations on polymetallic sulphides, together with an explanatory memorandum, taking into account the comments received from members of the Legal and Technical Commission.	ISBA/13/C/WP.1
	(July) During the thirteenth session, the Council conducts a detailed examination of draft regulations 1 to 43 in document ISBA/13/C/WP.1 and agrees on revisions to some regulations. An informal text (in English) of the agreed revisions is provided to all delegations. The Council agrees to take up draft regulations 1(3), 12, 16, 19(2)(a), 21, 24(2), 27, 28(2), 33(2), 35, 36(2) and (3) and 38 in 2008.	ISBA/13/C/CRP.1 ISBA/13/C/7
	(July) Legal and Technical Commission begins consideration of the draft regulations for cobalt-rich ferromanganese crusts prepared by the Secretariat. The Commission focuses its consideration on two sensitive issues: the size of the area to be allocated for exploration and the progressive fee system, but considers that the background information available to date is not sufficient to provide a recommendation to the Council on any given system for site allocation for prospecting and exploration.	ISBA/13/LTC/1 and ISBA/13/LTC/WP.1

## ISBA/14/C/8 Summary report of the Chairman of the Legal and Technical Commission on the work of the Commission during the fourteenth session

Date: 28 May 2008

1. During the fourteenth session of the Authority, the Legal and Technical Commission held 13 meetings. As agreed at the thirteenth session, the Commission held an extended session and commenced its work on 19 May, one week in advance of the meetings of the Council and Assembly. The following members attended the meetings: Frida Armas Pfirter, Jean-Marie Auzende, David Billet, Laleta Davis-Mattis, Walter de Sá Leitão, Baïdy Diène, Miguel Dos Santos Alberto Chissano, Elva Escobar, Kennedy Hamutenya, Said Hussein, Yoshiaki Igarashi, Emmanuel Kalngui, Woong-Seo Kim, Eusebio Lopera Caballero, Sudhakar Maruthadu, Sandor Mulsow Flores, Andrzej Przybycin, Mahmoud Samy, Elena Sciso and Zhang Hongtao. Following the practice observed in the past, Christian Reichert also participated in the meetings of the Commission prior to his formal election by the Council for the remainder of the term of office of Michael Wiedicke-Hombach, who had resigned from the Commission. The following members had informed the Secretary-General that they would be unable to attend the session: Sergey Fyodorov, Asif Inam, Adam Tugio and Isikeli Uluinairai Mataitoga.

2. The Commission elected Sandor Mulsow Flores as Chairman and Elva Escobar as Vice-Chairman.

3. The Commission adopted its agenda (ISBA/14/LTC/1) and decided to proceed on the basis of an annotated agenda and organization of work provided by the secretariat (ISBA/14/LTC/CRP.1). The Commission considered the following matters:

- (a) Annual reports of contractors submitted pursuant to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area;
- (b) Selection of candidates for training by Germany in accordance with the contract for exploration between the Authority and the German Federal Institute for Geosciences and Natural Resources (BGR);
- (c) Applications for approval of plans of work for exploration by Nauru Ocean Resources Inc. and Tonga Offshore Minerals Ltd.;
- (d) Draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area;
- (e) A proposal relating to the criteria for the establishment of preservation reference zones in the Clarion-Clipperton Zone;
- (f) Update on progress on the geological model for the Clarion-Clipperton Zone;
- (g) Recommendations of a workshop on polymetallic nodule mining technology held in Chennai, India, from 18 to 22 February 2008.

#### I. CONSIDERATION OF THE ANNUAL REPORTS OF CONTRACTORS SUBMITTED PURSUANT TO THE REGULATIONS

4. The Commission carried out an evaluation of the annual reports that the contractors are required to submit pursuant to annex 4, section 10, of the Regulations. For this purpose, and following its usual practice, the Commission divided itself into four informal working groups to carry out a preliminary review of the annual reports. The work of the Commission was facilitated by a preliminary analysis of the annual reports prepared by the secretariat (ISBA/14/LTC/CRP.2). The working groups then reported to the full Commission.

5. The Commission noted that the annual reports were due by 31 March 2008. Although not all reports were submitted by that date, as at 19 May, annual reports had been received from all eight contractors: Deep Ocean Resources Development Co. Ltd., Yuzhmorgeologiya, the Republic of Korea, China Ocean Mineral Resources Research and Development Association, Interoceanmetal Joint Organization, India, Institut français de recherche pour l'exploitation de la mer and BGR. The Commission once again stressed the importance of reports being submitted on time.

6. In addition to evaluating each of the annual reports, the Commission made several comments of a general nature. In particular, the Commission once again emphasized the need for reported expenditure to be properly itemized and to relate only to the actual and direct costs of exploration as established in section 10.2 (c) of annex 4 to the Regulations. In situations where lump-sum expenditures were reported without any breakdown, it was impossible for the Commission to equate the expenditures with the exploration work actually being carried out. Noting that this had been a persistent concern, the Commission requested the secretariat to prepare for the next session a more detailed report and analysis of the actual and proposed financial expenditures reported by contractors to date.

7. The Commission also noted with concern that there was still a lack of raw data being provided by contractors despite repeated requests from both the Commission and the Secretary-General. With respect to the classification into nodule types, the Commission noted that there was no uniformity in classifications used by different contractors and suggested that it might be useful for contractors to

collaborate to standardize such classifications. The evaluation by the Commission is contained in document ISBA/14/LTC/6.

## II. SELECTION OF CANDIDATES FOR TRAINING BY GERMANY IN ACCORDANCE WITH THE CONTRACT FOR EXPLORATION BETWEEN THE AUTHORITY AND THE GERMAN FEDERAL INSTITUTE FOR GEOSCIENCES AND NATURAL RESOURCES

8. The Commission was informed that, as at 30 April 2008, the secretariat had received a total of 42 nominations from 18 different members of the Authority for the training programme proposed by Germany pursuant to the contract for exploration between the Authority and BGR.

9. After considering the applications in detail, the Commission selected eight candidates (four candidates and four alternates) for training. The details of the training programme and the selection process applied by the Commission, as well as the names of the selected candidates, are contained in document ISBA/14/LTC/7.

## III. REVIEW OF TWO APPLICATIONS FOR APPROVAL OF A PLAN OF WORK FOR EXPLORATION IN RESERVED AREAS

10. The Commission received two applications for approval of a plan of work for exploration in reserved areas from Nauru Ocean Resources Inc. (sponsored by Nauru) and Tonga Offshore Mining Ltd. (sponsored by Tonga). The Commission met to consider the applications on 21, 22, 26 and 27 May 2008. The Commission has not reached consensus with respect to a recommendation to the Council in relation to the applications. The Commission will therefore continue its consideration of the applications at the next possible opportunity.

## IV. CONSIDERATION OF THE DRAFT REGULATIONS ON PROSPECTING AND EXPLORATION FOR COBALT-RICH FERROMANGANESE CRUSTS IN THE AREA

11. The Commission continued its work on the draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area (ISBA/13/LTC/WP.1), which had been prepared by the secretariat following the direction of the Council that separate draft regulations should be prepared for polymetallic sulphides and cobalt-rich crusts. The Commission recalled that during the thirteenth session, it had focused its consideration on two key issues, the size of the area to be allocated for exploration and the progressive fee system, but considered that the background information available at that time was not sufficient to provide a recommendation to the Council.

12. After reviewing all the information available to it, including additional material prepared by the secretariat and the document prepared for the Council relating to the draft regulations for prospecting and exploration for polymetallic sulphides (ISBA/14/C/4), the Commission decided that, in the light of the current state of knowledge, and taking into account the need to complete its work on the draft regulations in a timely manner, it was appropriate to proceed to finalize a recommendation to the Council. The Commission's recommendation to the Council would be to adopt regulations for prospecting and exploration for cobalt-rich crusts on the basis of the draft regulations, but with the following proposed revisions:

(a) The basic unit for defining the exploration area should be a 20 square kilometre block. An applicant may apply for up to 100 such blocks, which may be arranged in non-contiguous clusters within a geographical area of 550 kilometres by 550 kilometres;

(b) A progressive fee system, as proposed, should apply, and the Council should be empowered to review the fee every five years;

(c) In view of the current state of knowledge in relation to both polymetallic sulphides and cobalt-rich crusts, the Commission endorsed the proposal to include a clause providing for an automatic review of the regulations every five years or at any time when the development of scientific knowledge so requires;

(d) The provisions relating to financial accounting should be revised in the light of experience in order to ensure that contractors maintain and provide information that fully discloses the actual and direct expenditures incurred by contractors on exploration work and facilitates effective audit;

(e) The Commission would also consider whether further elaboration of the requirement of effective control was required.

13. The Commission considered that, in the light of recent developments, it was important to include an anti-monopoly provision in the draft regulations. It was noted that the anti-monopoly provision contained in annex III to the Convention in relation to polymetallic nodules could not be applied effectively to either polymetallic sulphides or cobalt-rich crusts. In place of that provision, the Commission recommends that the regulations for both polymetallic sulphides and cobalt-rich crusts prevent multiple applications by affiliated applicants in excess of the overall size limitations referred to in regulation 12 (i.e. 2,000 square kilometres in the case of cobalt-rich crusts and 10,000 square kilometres in the case of polymetallic sulphides). For the purposes of this provision, applicants would be regarded as affiliated if they were directly or indirectly controlling, controlled by or under common control with one another.

14. The Commission requested the secretariat to prepare a revised text (to be issued as ISBA/14/LTC/CRP.6) of the proposed regulations for prospecting and exploration for cobalt-rich crusts incorporating the Commission's recommendations as set out in paragraphs 12 and 13 above and also fully aligning the text of the draft regulations with the adjustments to the text of the draft regulations on polymetallic sulphides agreed by the Council in 2007 (ISBA/13/C/CRP.1). The Commission would then review the revised text at its next session with a view to formally adopting it for submission to the Council at the fifteenth session, taking into account the requirements under articles 162(2) (o) (ii) of the Convention together with section 1, paragraph 15, of the annex to the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea that such rules, regulations and procedures were to be developed within three years of a request being made by a member of the Authority.

## V. CONSIDERATION OF A PROPOSAL RELATING TO THE CRITERIA FOR THE ESTABLISHMENT OF PRESERVATION REFERENCE ZONES IN THE CLARION-CLIPPERTON ZONE

15. On 19 May, Craig Smith, the principal researcher on the Kaplan project, introduced a proposal relating to the criteria for the establishment of preservation reference zones in the Clarion-Clipperton Zone (ISBA/14/LTC/2). It was noted that the proposal had been developed by a scientific workshop held at the University of Hawaii in October 2007. In his presentation, Dr. Smith explained the underlying assumptions and rationale for the proposal and explained the general guidelines and criteria for the establishment of a network of preservation reference zones in the Zone. The Commission also had available to it a document prepared by the secretariat in response to a request by the Commission at the thirteenth session on considerations for an economic assessment of the marine environment in the Area and the use of area-based management tools to conserve biodiversity (ISBA/14/LTC/5).

16. The Commission discussed the proposal in general and also established a working group to consider the issues in more detail with a view to formulating a recommendation. It was noted that the basic proposal was for the Authority to set aside a network of ecologically related areas within the Zone



where no exploration or mining activity should take place. They should not overlap with existing contract areas.

17. It was further noted that several legal mechanisms were available under the Convention and the 1994 Agreement that could be used to designate such areas, including the power under article 162(2) (x) of the Convention to disapprove areas for exploitation on the basis of environmental considerations. However, a number of complex issues needed to be considered in detail. These included the size and location of areas, criteria for their establishment and the coordination of such areas with the existing obligations of contractors, at the exploitation phase, to propose impact reference zones and preservation reference zones.

18. The Commission agreed to request a subgroup of ecological and legal experts from the Commission to continue to work on the proposal, with the assistance of the secretariat, with a view to formulating a complete proposal for consideration by the Commission at the fifteenth session. The Commission may then consider making a recommendation to the Council under article 165 of the Convention.

#### VI. UPDATE ON PROGRESS ON THE GEOLOGICAL MODEL FOR THE CLARION-CLIPPERTON ZONE

19. The Commission took note of the oral report on the progress on the geological model for the Clarion-Clipperton Zone. The Commission noted that the project had been running for the past three years and was in the completion phase. During the past year, the consultants on the volcanic and tectonic proxy data have presented a set of maps and figures. They are being analysed and a report is being prepared. A new 0.1 degree grid of metal content in the Zone has been prepared. Maps showing the distribution of nodules and metal content have been prepared. The consultant on biological proxy data has provided data on carbon and nitrogen flux. The sediment proxy group will provide detailed lithological maps of the three regions in the Zone. During the year, COMRA will work on fuzzy logic and artificial neural network techniques to provide information on areas with no data. COMRA will also work on spatial decision support system techniques for data on the entire Zone. A final report on the geological model and the prospectors' guide will be ready by the end of 2008. The Commission noted that the project could not have succeeded without a great degree of cooperation from existing contractors and expressed its appreciation to them for their efforts to work with the Authority.

#### VII. CONSIDERATION OF THE RECOMMENDATIONS OF THE WORKSHOP ON POLYMETALLIC NODULE MINING TECHNOLOGY

20. The Commission was briefed on the outcomes of the Authority's international workshop held in Chennai, India, from 18 to 22 February 2008 (ISBA/14/LTC/CRP.4), which it noted with interest.

#### VIII. OTHER MATTERS

21. In the course of the discussions, several members of the Commission suggested that it would be appropriate to review the recommendations for the guidance of contractors for the assessment of possible impacts arising from exploration for polymetallic nodules, issued in 2001, in the light of advances in knowledge and sampling techniques that had taken place since then. The Commission decided to place the item on its agenda at its next session, in 2009.

22. The Commission expressed appreciation to the secretariat for its work in support of the meeting. The members of the Commission also considered that the meetings, while intensive, had been very productive. Much of this was due to the fact that the Commission had been able to work intensively, with full meeting services, for an entire week in advance of the meetings of the Council and the Assembly. All

available meeting time had been fully utilized, which was a reflection of the extent and depth of the Commission's consideration of the important issues before it. The Commission recommended that similar working practices be adopted in 2009, when it would also be considering a broad range of issues, including the proposal to establish a network of reference areas in the Zone and the revision of its 2001 environmental recommendations.

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**ISBA/14/C/11\***      **Statement of the President of the Council of the International Seabed Authority on the work of the Council during the fourteenth session**

Date: 5 June 2008

1. The fourteenth session of the International Seabed Authority was held at Kingston, Jamaica, from 26 May to 6 June 2008.

**I. ADOPTION OF THE AGENDA**

2. At its 129th meeting, on 26 May 2008, the Council adopted its agenda for the fourteenth session, contained in document ISBA/14/C/1. At the same meeting, the Council also decided to elect Christian Reichert (Germany) as a member of the Legal and Technical Commission for the remainder of the term of office of Michael Wiedicke-Hombach (Germany), who had resigned from the Commission.

**II. ELECTION OF THE PRESIDENT AND VICE-PRESIDENTS OF THE COUNCIL**

3. Also at the 129th meeting, the Council elected Liesbeth Lijnzaad (Netherlands) as President of the Council for 2007. Subsequently, following consultations in the regional groups, the representatives of Kenya (African Group), Czech Republic (Eastern European Group), Guyana (Latin American and Caribbean Group) and Japan (Asian Group) were elected as Vice-Presidents of the Council.

**III. REPORT OF THE SECRETARY-GENERAL ON THE CREDENTIALS OF THE MEMBERS OF THE COUNCIL**

4. At the 134th meeting of the Council, on 2 June 2008, the Secretary-General informed the Council that, as of 2 June 2008, credentials had been received from all the members of the Council. It was noted that, in accordance with the system agreed for the allocation of seats between the regional groups at the first election of the Council, Fiji, on behalf of the Asian Group, would participate in the meetings of the Council in 2008 without the right to vote. In 2009, it would be the turn of the Group of Latin American and Caribbean States to nominate a member of the Council to participate without the right to vote.

**IV. REPORT OF THE LEGAL AND TECHNICAL COMMISSION**

5. At its 132nd meeting, on 30 May 2008, the Council received the report of the Chairman of the Legal and Technical Commission on the work of the Commission during the fourteenth session (ISBA/14/C/8). The Council took note of the report and in particular of the progress that had been made by the Commission in finalizing a recommendation on draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area.

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\* Reissued for technical reasons

**V. CONSIDERATION OF THE RECOMMENDATION OF THE LEGAL AND TECHNICAL COMMISSION RELATING TO THE APPROVAL OF A PLAN OF WORK FOR EXPLORATION**

6. The Council noted that the Authority had received applications for approval of a plan of work for exploration in reserved areas from Nauru Ocean Resources Inc. (sponsored by Nauru) and Tonga Offshore Mining Limited (sponsored by Tonga).

7. At the 130th meeting, on 28 May 2008, the Chairman of the Legal and Technical Commission informed the Council that the Commission met to consider the applications on 21, 22, 26 and 27 May 2008. The Commission had not reached consensus with respect to a recommendation to the Council in relation to the applications and would therefore continue consideration of the applications at the next possible opportunity.

8. The representatives of Nauru and Tonga, the sponsoring States of the applications, expressed their gratitude to the Commission for its work in relation to the consideration of the applications and emphasized the importance of the applications to their Governments.

**VI. BUDGET OF THE AUTHORITY FOR THE FINANCIAL PERIOD 2009-2010 AND SCALE OF ASSESSMENTS FOR CONTRIBUTIONS OF MEMBERS OF THE AUTHORITY TO THE ADMINISTRATIVE BUDGET**

9. At the 136th meeting, on 3 June 2008, the Council considered the proposed budget of the Authority for the financial period 2009-2010 as contained in the report of the Secretary-General (ISBA/14/A/3-ISBA/14/C/3). In considering the proposed budget, the Council took into account the recommendations of the Finance Committee as contained in document ISBA/14/A/7-ISBA/14/C/6. The Council decided to recommend to the Assembly for adoption the budget of the Authority for the financial period 2009-2010 in the amount of 12,516,500 United States dollars. Members of the Council also noted that the Finance Committee had encouraged observer States to the Authority to consider making voluntary contributions to the general administrative fund of the Authority as well as to the Endowment Fund and the Voluntary Trust Fund. The decision of the Council in relation to the budget and related matters is contained in document ISBA/14/C/10.

**VII. PROPOSAL TO THE ASSEMBLY OF A LIST OF CANDIDATES FOR ELECTION OF THE SECRETARY-GENERAL**

10. At the 132nd meeting, on 30 May 2008, the Council took up the question of a list of candidates to be proposed to the Assembly for election as Secretary-General of the Authority, in accordance with article 162, paragraph 2 (b), of the Convention. The Council noted that one candidate, Nii Allotey Odunton, had been nominated by Ghana. Accordingly, the Council decided to propose Mr. Odunton to the Assembly for election as Secretary-General. The decision of the Council in that regard is contained in document ISBA/14/C/9.

**VIII. CONTINUED CONSIDERATION OF THE DRAFT REGULATIONS ON PROSPECTING AND EXPLORATION FOR POLYMETALLIC SULPHIDES IN THE AREA**

11. As agreed at the thirteenth session, the Council continued its detailed examination of the revised draft regulations on prospecting and exploration for polymetallic sulphides in the Area, as contained in ISBA/13/C/WP.1. In so doing, the Council had before it an informal text showing the revisions to the draft

regulations agreed at the thirteenth session (ISBA/13/C/CRP.1) and an additional document prepared by the Secretariat dealing in more detail with the remaining outstanding issues with respect to the draft regulations (ISBA/14/C/4).

12. By the end of the session, the Council had completed a review of those draft regulations that had been left pending at the end of the thirteenth session, as well as a review of the informal texts of annexes 1 and 2 (ISBA/14/C/CRP.3) and annex 4 (ISBA/14/C/CRP.4), aligned with the informal text of regulations 1 to 44. It was indicated that a revised informal text of regulations 1 to 44, incorporating the revisions agreed at the thirteenth and fourteenth sessions, would be produced by the Secretariat in due course under the symbol ISBA/13/C/CRP.1/Rev.1. The Council further requested the Secretariat to issue in due course a revised text of the whole draft regulations, harmonized in all official languages, incorporating the revisions agreed to date, and agreed to continue its work on the outstanding regulations at its next session. The Secretariat was also requested to provide additional background material, as appropriate, on the remaining outstanding issues with respect to the draft regulations.

#### IX. NEXT MEETING OF THE COUNCIL

13. The next meeting of the Council will be held in Kingston. The tentative dates are 13 to 24 April 2009. It was noted that the African Group would, in due course, nominate a candidate for the Presidency of the Council in 2009.

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## LIST OF THE MAIN DOCUMENTS OF THE ASSEMBLY AND THE COUNCIL OF THE FOURTEENTH SESSION

*Referenced documents in bold format appear in this publication*

### ASSEMBLY

ISBA/14/A/1	Agenda of the Assembly
<b>ISBA/14/A/2</b>	<b>Report of the Secretary-General of the International Seabed Authority under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea</b>
ISBA/14/A/3- ISBA/14/C/3	Proposed budget for the International Seabed Authority for the financial period 2009-2010
ISBA/14/A/4	Election to fill a vacancy on the Finance Committee in accordance with section 9 of the annex to the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea
ISBA/14/A/5	Election to fill a vacancy on the Finance Committee in accordance with section 9 of the annex to the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea
ISBA/14/A/6	Election to fill a vacancy on the Finance Committee in accordance with section 9 of the annex to the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea
<b>ISBA/14/A/7- ISBA/14/C/6</b>	<b>Report of the Finance Committee</b>
<b>ISBA/14/A/8*</b>	<b>Decision of the Assembly of the International Seabed Authority relating to the budget of the Authority for the financial period 2009-2010</b>
<b>ISBA/14/A/9</b>	<b>Decision of the Assembly of the International Seabed Authority concerning the appointment of the Secretary-General of the International Seabed Authority</b>
ISBA/14/A/10	Credentials of representatives to the fourteenth session of the Assembly of the International Seabed Authority
ISBA/14/A/11	Decision of the Assembly relating to the credentials of representatives to the fourteenth session of the International Seabed Authority
<b>ISBA/14/A/12</b>	<b>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</b>
<b>ISBA/14/A/13</b>	<b>Statement of the President on the work of the Assembly at the fourteenth session</b>
ISBA/14/A/INF.1	Delegations to the fourteenth session of the Assembly
ISBA/14/A/L.1/Rev.1	Provisional agenda of the Assembly

- ISBA/14/A/L.2 Draft decision of the Assembly of the International Seabed Authority relating to the budget of the Authority for the financial period 2009-2010
- ISBA/14/A/L.3 Draft decision of the Assembly of the International Seabed Authority concerning the appointment of the Secretary-General of the International Seabed Authority
- ISBA/14/A/L.4\* 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

## COUNCIL

- ISBA/14/C/1 Agenda of the Council
- ISBA/14/C/2 Biodiversity, species range and gene flow in the abyssal Pacific nodule province: predicting and managing the impacts of deep seabed mining
- ISBA/14/C/4 Review of outstanding issues with respect to the draft regulations on prospecting and exploration for polymetallic sulphides in the Area**
- ISBA/14/C/5 Election to fill a vacancy on the Legal and Technical Commission in accordance with Part XI, section 4, subsection C, article 163, paragraph 7, of the United Nations Convention on the Law of the Sea
- ISBA/14/C/7 Report on the International Seabed Authority's workshop on polymetallic nodule mining technology: current status and challenges ahead
- ISBA/14/C/8 Summary report of the Chairman of the Legal and Technical Commission on the work of the Commission during the fourteenth session**
- ISBA/14/C/9 Decision of the Council of the International Seabed Authority concerning the candidate for the election of the Secretary-General
- ISBA/14/C/10 Decision of the Council of the International Seabed Authority relating to the budget of the Authority for the financial period 2009-2010
- ISBA/14/C/11\* Statement of the President of the Council of the International Seabed Authority on the work of the Council during the fourteenth session**
- ISBA/14/C/L.1 Provisional Agenda of the Council

## INDEXES TO THE MAIN DOCUMENTS OF THE ASSEMBLY AND THE COUNCIL FROM 1994 TO 2007

This index has been divided into two sections; a cumulative index which contains a complete list of the main documents of the Assembly and Council from the first session (1994) to the thirteenth session (2007), and a consolidated subject index to the documents contained in the annual publication “Selected Decisions”.

Documents of the International Seabed Authority begin with the letters “ISBA”. Documents of the first two sessions do not have a sessional number (e.g. ISBA/A/1), but from the third session on they do (e.g. ISBA/3/A/1). Formal Assembly and Council documents each appear in four series, -/ 1; -/L.1; -/WP.1; and -/INF.1, corresponding to main documents, documents with limited distribution, working papers and information papers respectively. In addition to A and C documents there are the following series: ISBA/FC (Finance Committee) and ISBA/LTC (Legal and Technical Commission).

The Authority does not keep verbatim or summary records of meetings. Sound recordings are made and retained by the Secretariat. Official accounts of the work of the Authority are to be found in the successive statements of the Presidents of the Assembly and the Council on the work of their organs, and the annual reports of the Secretary-General.

The Authority publishes annually a compendium of selected decisions and documents from each session. These may be cited as, e.g. *Selected Decisions* 13, 1-22. The consolidated index provides a subject guide to the documents which have been reproduced in this volume, whilst the cumulative index indicates the reference in the appropriate volume of the Selected Decisions.

The documents in this index are also available in electronic format on the Authority’s website at <http://www.isa.org.jm>.

CUMULATIVE INDEX TO THE MAIN DOCUMENTS  
OF THE ASSEMBLY AND THE COUNCIL

**Document number/Title/Citation (where applicable)**

**FIRST AND SECOND SESSIONS (1994 – 1996)**

***Assembly***

ISBA/A/1	Provisional agenda of the Assembly
ISBA/A/2	Draft rules of procedure of the Assembly of the Authority
ISBA/A/3	Letter dated 6 February 1995 from the representative of Belgium to the United Nations addressed to the Secretariat of the United Nations
ISBA/A/4	Agenda of the Assembly
ISBA/A/5	Report of the Credentials Committee (second part of the first session)
ISBA/A/6	Rules of Procedure of the Assembly of the Authority
ISBA/A/7	Report of the Credentials Committee (third part of the first session)
ISBA/A/8 and Add.1	Report of the Credentials Committee (second session)
ISBA/A/9 and Corr.1	Proposed budget of the Authority for 1997
ISBA/C/5	
ISBA/A/9/Add.1	Proposed budget of the Authority for 1997. Addendum
ISBA/C/5/Add.1	
ISBA/A/10 and Corr.1	Functions of the Authority in the first year, including matters pending from the work of the Preparatory Commission
ISBA/C/6	
ISBA/A/11	Finance Committee. Candidates for membership in the Committee
ISBA/A/12	Proposed budget of the Authority for 1997
ISBA/C/7	
ISBA/A/13 and Corr.1	Decision of the Assembly concerning the observer status of the Authority at the United Nations: <b>1/2/3, 26.</b>
ISBA/A/14	Decision of the Assembly relating to the budget of the Authority for 1997: <b>1/2/3, 27-28.</b>
ISBA/A/15	Decision of the Assembly relating to participation of the Authority in the United Nations Joint Staff Pension Fund: <b>1/2/3, 28-29.</b>
ISBA/A/L.1/Rev.1 and Corr.1	Statement of the President of the Assembly on the work of the Assembly during the second part of its first session: <b>1/2/3, 3-7.</b>
ISBA/A/L.2	Draft resolution concerning the rules of procedure of the Assembly/Termination of members of the Council: <b>1/2/3, 3.</b>
ISBA/A/L.3 and Corr.1	Statement of the President at the opening meeting of the third part of the first session
ISBA/A/L.4	Draft decision concerning the participation of the Federal Republic of Yugoslavia in the work of the Assembly
ISBA/A/L.5	Draft decision of the Assembly concerning the draft budget of the Authority



ISBA/A/L.6	Statement of Ambassador Kenneth Rattray (Jamaica) Rapporteur-General of the Preparatory Commission, presenting the final report of the Preparatory Commission (LOS/PCN/153)
ISBA/A/L.7/Rev.1	Statement of the President on the work of the Assembly during the third part of its first session: <b>1/2/3, 7-12.</b>
ISBA/A/L.8 and Corr.1	Composition of the first Council of the Authority: <b>1/2/3, 15-17.</b>
ISBA/A/L.9	Statement of the President on the work of the Assembly during the first part of the second session: <b>1/2/3, 17-25.</b>
ISBA/A/L.10	Provisional membership: <b>1/2/3, 25-26.</b>
ISBA/A/L.11	Draft decision of the Assembly relating to participation in the United Nations Joint Staff Pension Fund
ISBA/A/L.12	Draft decision of the Assembly concerning the observer status of the Authority at the United Nations
ISBA/A/L.13	Statement of the President on the work of the Assembly during the resumed second session: <b>1/2/3, 29-32.</b>
ISBA/A/WP.1	Suggestions of the Secretariat to revise the draft rules of procedure of the Assembly
ISBA/A/WP.2	Draft Rules of Procedure of the Assembly
ISBA/A/WP.3	Rules of Procedure of the Assembly
ISBA/A/WP.4	Rules of Procedure of the Assembly (Proposal submitted by the Delegation of New Zealand)
<b>Council</b>	
ISBA/C/1	Provisional agenda of the Council
ISBA/C/2*	Legal and Technical Commission. Candidates for membership of the Commission
ISBA/C/3	Statement by the Acting President of the Council concerning provisional membership of the Authority: <b>1/2/3, 32-33.</b>
ISBA/C/4	Requests for extension of provisional membership: <b>1/2/3, 33-35.</b>
ISBA/C/8	Decision of the Council relating to participation of the Authority in the United Nations Joint Staff Pension Fund: <b>1/2/3, 35.</b>
ISBA/C/9	Decision of the Council relating to the extension of membership on a provisional basis: <b>1/2/3, 36.</b>
ISBA/C/10	Decision of the Council relating to the relationship Agreement between the Authority and the United Nations: <b>1/2/3, 36-37.</b>
ISBA/C/11	Decision of the Council relating to the headquarters agreement between the Authority and the Government of Jamaica: <b>1/2/3, 37-38.</b>
ISBA/C/12	Rules of Procedure of the Council
ISBA/C/L.1	Draft decision of the Council relating to the relationship agreement between the Authority and the United Nations
ISBA/C/L.2	Draft decision of the Council concerning the headquarters agreement between the Authority and the Government of Jamaica
ISBA/C/L.3	Statement of the President Pro Tem on the work of the Council during the resumed second session: <b>1/2/3, 38-40.</b>

ISBA/C/WP.1/Rev.1 Draft Rules of Procedure of the Council

### THIRD SESSION (1997)

#### **Assembly**

ISBA/3/A/1 Agenda of the Assembly

ISBA/3/A/2 Report of the Credentials Committee (third session)

ISBA/3/A/3 Decision of the Assembly relating to the agreement concerning the relationship between the United Nations and the Authority: **1/2/3, 43.**

ISBA/3/A/4 and Corr.1 Report of the Secretary-General of the Authority: **1/2/3, 45-60.**

ISBA/3/A/5\* and Add.1  
ISBA/3/C/5\* and Add.1 Proposed budget of the Authority for 1998

ISBA/3/A/6  
ISBA/3/C/8 Proposed budget of the Authority for 1998 and related matters. Report of the Finance Committee

ISBA/3/A/7 and Corr.1 Report of the Credentials Committee (resumed third session)

ISBA/3/A/8 Decision of the Assembly relating to the credentials of representatives to the resumed third session

ISBA/3/A/9 Resolution relating to the Budget of the Authority for 1998 and the establishment of a working capital fund: **1/2/3, 60-61.**

ISBA/3/A/10 Decision of the Assembly related to the Scale of assessment for the contributions of members to the administrative budget of the Authority for 1998 and the working capital fund for 1998 and 1999

ISBA/3/A/11 Statement of the President on the work of the Assembly during the resumed third session: **1/2/3, 61-63.**

ISBA/3/A/L.1 Provisional agenda of the Assembly

ISBA/3/A/L.2  
ISBA/3/C/L.2 Relationship agreement between the United Nations and the Authority

ISBA/3/A/L.3 and Corr.1  
ISBA/3/C/L.3 and Corr.1 Agreement between the Authority and the Government of Jamaica regarding the headquarters of the Authority

ISBA/3/A/L.4 Statement of the President on the work of the Assembly during the third session: **1/2/3, 43-45.**

ISBA/3/A/L.5 Draft resolution relating to the budget of the Authority for 1998 and the establishment of a working capital fund

ISBA/3/A/L.6 Draft resolution relating to the scales of assessment for the contributions of members to the administrative budget of the Authority for 1998 and the working capital fund for 1998 and 1999

ISBA/3/A/WP.1 and Add.1 Draft protocol on the Privileges and Immunities of the Authority

#### **Council**

ISBA/3/C/1 and Add.1 Requests for extension of Provisional Membership

ISBA/3/C/2 Agenda of the Council

ISBA/3/C/3\* Extension of Provisional Membership: **1/2/3, 64.**

ISBA/3/C/4	Recommendation by the Council relating to the relationship agreement between the United Nations and the Authority
ISBA/3/C/6	Statement describing the status of the implementation of the obligations by the registered pioneer investor, the Government of the Republic of Korea, and its understanding adopted by the General Committee of the Preparatory Commission for the Authority and for the ITLOS on 12 August 1994: <b>1/2/3, 66-68.</b>
ISBA/3/C/7	Report and recommendation of the Legal and Technical Commission concerning the request for approval of plans of work for exploration by the registered pioneer investors: <b>1/2/3, 69-70.</b>
ISBA/3/C/9	Request for approval of plans of work for exploration by the registered pioneer investors: <b>1/2/3, 71-72.</b>
ISBA/3/C/10	Budget of the Authority for 1998 and the establishment of a working capital fund
ISBA/3/C/11	Statement of the President on the work of the Council during the resumed third session: <b>1/2/3, 72-74.</b>
ISBA/3/C/L.1	Provisional agenda of the Council
ISBA/3/C/L.4	Statement of the President on the work of the Council during the third session: <b>1/2/3, 64-66.</b>
ISBA/3/C/L.5/ Rev.1	Draft decision of the Council relating to the requests for approval of plans of work for exploration by the registered pioneer investors
ISBA/3/C/L.6	Draft decision of the Council relating to the budget of the Authority for 1998 and the establishment of a working capital fund

#### **FOURTH SESSION (1998)**

##### ***Assembly***

ISBA/4/A/1/Rev.2	Plans of work for exploration of the Government of India, IFREMER)/ AFERNOD (France), DORD (Japan), Yuzmorgeologiya (Russian Federation), COMRA (China), IOM (Bulgaria, Cuba, Czech Republic, Poland, Russian Federation and Slovakia) and the government of the Republic of Korea. Report of the Secretary-General: <b>4, 1-39.</b>
ISBA/4/A/2	Election to fill a vacancy on the Finance Committee
ISBA/4/A/3	Agenda of the Assembly
ISBA/4/A/4	Report of the Credentials Committee (fourth session)
ISBA/4/A/5	Decision of the Assembly concerning the duration of terms of office of members of the Council: <b>4, 40.</b>
ISBA/4/A/6*	Decision of the Assembly relating to the election to fill the vacancies of the Council: <b>4, 40-41.</b>
ISBA/4/A/7	Decision of the Assembly relating to the credentials of representatives to the first part of the fourth session
ISBA/4/A/8	Decision of the Assembly relating to the Protocol on the Privileges and Immunities of the International Seabed Authority: <b>4, 42-49.</b>
ISBA/4/A/9*	Statement of the President on the work of the Assembly during the fourth session: <b>4, 49-52.</b>
ISBA/4/A/10 and Add.1 ISBA/4/C/6 and Add.1	Proposed budget for the Authority for 1999. Report of the Secretary-General

ISBA/4/A/11	Report of the Secretary-General of the Authority: <b>4, 52-63.</b>
ISBA/4/A/12	Decision of the Assembly relating to contributions to the budget of the Authority for 1998: <b>4, 63.</b>
ISBA/4/A/13/Rev.1 ISBA/4/C/10/Rev.1	Proposed budget of the Authority for 1999 and related matters. Report of the Finance Committee
ISBA/4/A/14	Report of the Credentials Committee (resumed fourth session)
ISBA/4/A/15	Decision of the Assembly relating to the credentials of representatives to the resumed fourth session
ISBA/4/A/16	Communication on behalf of the European Community to the members of the Authority
ISBA/4/A/17	Decision of the Assembly relating to the budget of the Authority for 1999: <b>4, 64.</b>
ISBA/4/A/18	Statement of the President on the work of the Assembly during the resumed fourth session: <b>4, 64-67.</b>
ISBA/4/A/19	Report of the Credentials Committee (third part of the fourth session)
ISBA/4/A/20	Decision of the Assembly relating to the credentials of representatives to the third part of the fourth session
ISBA/4/A/21	Decision of the Assembly relating to the scale of assessment for the contributions of members to the administrative budget of the Authority for 1999: <b>4, 67.</b>
ISBA/4/A/22	Statement of the President on the work of the Assembly during the third part of the fourth session: <b>4, 67-68.</b>
ISBA/4/A/23	Scale of assessment for the contribution of members to the administrative budget of the Authority for 1999
ISBA/4/A/L.1	Provisional agenda of the Assembly
ISBA/4/A/L.2	Draft protocol on the Privileges and Immunities of the Authority
ISBA/4/A/L.3	Draft decision of the Assembly concerning the duration of the terms of office of members of the Council
ISBA/4/A/L.4	Draft decision of the Assembly relating to the Protocol on the Privileges and Immunities of the Authority
ISBA/4/A/L.5	Draft decision of the Assembly relating to the election to fill vacancies on the Council
ISBA/4/A/L.6*	Draft decision of the Assembly on the budget of the Authority for 1999
ISBA/4/A/L.7	Draft decision of the Assembly relating to the scale of assessment for the contributions of members to the administrative budget of the Authority for 1999
ISBA/4/A/L.8/Rev.1	Amendment proposed by the delegation of the Russian Federation to document ISBA/4/A/L.7
ISBA/4/A/L.9	Amendment proposed by the delegation of the Russian Federation to document ISBA/4/A/L.7
<b>Council</b>	
ISBA/4/C/1	Request for extension of provisional membership: <b>4, 69-70.</b>
ISBA/4/C/2	Agenda of the Council
ISBA/4/C/3	Decision of the Council relating to the extension of the membership on a provisional basis of the Authority of Canada and Ukraine: <b>4, 70.</b>

ISBA/4/C/4/Rev.1	Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Proposed by the Legal and Technical Commission
ISBA/4/C/5	Statement of the President on the work of the Council during the first part of the fourth session: <b>4, 70-72.</b>
ISBA/4/C/7	Election to fill a vacancy in the Legal and Technical Commission
ISBA/4/C/8	Election to fill a vacancy in the Legal and Technical Commission
ISBA/4/C/9	Election to fill a vacancy in the Legal and Technical Commission
ISBA/4/C/11 and Corr.1	Decision of the Council relating to the budget of the Authority for 1999: <b>4, 73-74.</b>
ISBA/4/C/12 and Corr.1	Selection of the candidates for the training programme of the Government of the Republic of Korea. Report of the Legal and Technical Commission: <b>4, 74-75.</b>
ISBA/4/C/13	Statement of the Group of Latin American and Caribbean States. Presented by H.E. Fernando Pardo Huerta, Permanent Representative of Chile to the Authority
ISBA/4/C/14	Statement of the President on the work of the Council during the resumed fourth session: <b>4, 75-77.</b>
ISBA/4/C/L.1	Provisional agenda of the Council
ISBA/4/C/L.2/Rev.1	Draft decision of the Council relating to the budget of the Authority for 1999
ISBA/4/C/L.3	Draft financial regulations of the Authority

#### **FIFTH SESSION (1999)**

##### ***Assembly***

ISBA/5/A/1 and Corr.1	Report of the Secretary-General of the Authority: <b>5, 1-12.</b>
ISBA/5/A/2 ISBA/5/C/2	Proposed budget for the Authority for 2000. Report of the Secretary-General
ISBA/5/A/2/Add.1/Rev.1 ISBA/5/C/2/Add 1/Rev.1	Proposed budget for the Authority for 2000. Addendum
ISBA/5/A/3	Election to fill a vacancy on the Finance Committee
ISBA/5/A/4	Considerations relating to the offer by the Government of Jamaica concerning the location of the permanent headquarters of the Authority. Report of the Secretary-General: <b>5, 12-16.</b>
ISBA/5/A/4/Add.1	Considerations relating to the offer by the Government of Jamaica concerning the location of the permanent headquarters of the Authority. Addendum: <b>5, 16-17.</b>
ISBA/5/A/5	Agenda of the Assembly
ISBA/5/A/6	Appointment of an auditor. Report of the Secretary-General
ISBA/5/A/7*	Decision of the Assembly relating to the election to fill vacancies on the Council: <b>5, 18.</b>
ISBA/5/A/8 ISBA/5/C/7	Proposed budget of the Authority for 2000 and related matters. Report of the Finance Committee: <b>5, 18-21.</b>
ISBA/5/A/9	Report of the Credentials Committee (fifth session)
ISBA/5/A/10	Decision of the Assembly relating to the credentials of representatives to the fifth session
ISBA/5/A/11	Decision of the Assembly relating to the headquarters of the Authority: <b>5, 21-38.</b>

ISBA/5/A/12	Decision of the Assembly relating to the budget of the Authority for 2000: <b>5, 38-39.</b>
ISBA/5/A/13	Scale of assessment for the contributions of members to the administrative budget of the Authority for 2000
ISBA/5/A/14	Statement of the President on the work of the Assembly at the fifth session: <b>5, 39-42.</b>
ISBA/5/A/INF.1	Request for observer status to the Assembly - International Association of Drilling Contractors (IADC)
ISBA/5/A/INF.2	Request for observer status to the Assembly - Secretariat of the Convention on Biological Diversity
ISBA/5/A/L.1	Provisional agenda of the Assembly
ISBA/5/A/L.2	Draft decision of the Assembly relating to the headquarters of the Authority
ISBA/5/A/L.3	Draft decision of the Assembly relating to the budget of the Authority for 2000
<b>Council</b>	
ISBA/5/C/1*	Election to fill a vacancy on the Legal and Technical Commission
ISBA/5/C/1/Corr.1	Withdrawal of ISBA/5/C/1
ISBA/5/C/3	Election to fill a vacancy on the Legal and Technical Commission
ISBA/5/C/4/Rev.1	Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Revision of ISBA/4/C/4/Rev.1
ISBA/5/C/5	Agenda of the Council
ISBA/5/C/6	Report of the Legal and Technical Commission on the work of the Commission during the fifth session: <b>5, 43-44.</b>
ISBA/5/C/8	Decision of the Council relating to the budget of the Authority for 2000: <b>5, 44-45.</b>
ISBA/5/C/9	Decision of the Council relating to the headquarters of the Authority: <b>5, 45-46.</b>
ISBA/5/C/10	Decision of the Council concerning the draft financial regulations of the Authority: <b>5, 46.</b>
ISBA/5/C/11	Statement of the President on the work of the Council at the fifth session: <b>5, 46-49.</b>
ISBA/5/C/12	Statement by the Group of Latin American and Caribbean States presented by the permanent representative of Chile to the Authority
ISBA/5/C/L.1	Draft rules of procedure of the Legal and Technical Commission. Proposed by the Legal and Technical Commission
ISBA/5/C/L.1/Rev.1	Draft rules of procedure of the Legal and Technical Commission. Proposed by the Legal and Technical Commission
ISBA/5/C/L.1/Rev.2	Draft rules of procedure of the Legal and Technical Commission. Proposed by the Legal and Technical Commission
ISBA/5/C/L.2	Provisional agenda of the Council
ISBA/5/C/L.3	Draft Financial Regulations of the Authority. Revision of ISBA/4/C/L.3
ISBA/5/C/L.4	Draft decision of the Council relating to the headquarters of the Authority
ISBA/5/C/L.5	Draft decision of the Council relating to the budget of the Authority for 2000
ISBA/5/C/L.6	Draft decision of the Council concerning the draft Financial Regulations of the Authority

ISBA/5/C/L.7	Draft decision of the Council on the rules of procedure of the Legal and Technical Commission
ISBA/5/C/L.8	Proposal by the delegation of the Netherlands on the precautionary principle

### SIXTH SESSION (2000)

#### *Assembly*

ISBA/6/A/1	Election to fill a vacancy on the Finance Committee
ISBA/6/A/2	Agenda of the Assembly
ISBA/6/A/3*	Decision of the Assembly concerning the Financial Regulations of the Authority: <b>6, 1-11.</b>
ISBA/6/A/4 and Add.1	Report of the Credentials Committee (sixth session)
ISBA/6/A/5	Decision of the Assembly relating to the credentials of representatives to the sixth session
ISBA/6/A/6	Statement of the President on the work of the Assembly at the sixth session: <b>6, 11-12.</b>
ISBA/6/A/7 ISBA/6/C/4	Proposed budget of the Authority for the financial period 2001-2002. Report of the Secretary General
ISBA/6/A/8	Decision of the Assembly concerning the appointment of the Secretary-General of the Authority: <b>6, 12.</b>
ISBA/6/A/9	Report of the Secretary-General of the Authority: <b>6, 13-26.</b>
ISBA/6/A/10	Election to fill a vacancy on the Finance Committee
ISBA/6/A/11	Election to fill a vacancy on the Finance Committee
ISBA/6/A/12	Election to fill a vacancy on the Finance Committee
ISBA/6/A/13 ISBA/6/C/6	Proposed budget of the Authority for the financial period 2001 to 2002. Report of the Finance Committee: <b>6, 26-28.</b>
ISBA/6/A/14	Decision of the Assembly relating to the election to fill the vacancies on the Council: <b>6, 28-30.</b>
ISBA/6/A/15	Decision of the Assembly relating to the budget of the Authority for the financial period 2001-2002: <b>6, 30-31.</b>
ISBA/6/A/16	Report of the Credentials Committee (resumed sixth session)
ISBA/6/A/17	Decision of the Assembly relating to the credentials of representatives to the resumed sixth session
ISBA/6/A/18	Decision of the Assembly relating to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area: <b>6, 31-68.</b>
ISBA/6/A/19	Statement of the President on the work of the Assembly at the resumed sixth session: <b>6, 68-70.</b>
ISBA/6/A/L.1/Rev.1	Provisional agenda of the Assembly
ISBA/6/A/L.2	Draft decision of the Assembly concerning the Financial Regulations of the Authority
ISBA/6/A/L.3	Draft decision of the Assembly relating to the election to fill the vacancies on the Council

## **Council**

ISBA/6/C/1	Agenda of the Council
ISBA/6/C/2*	Draft Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. Revision of ISBA/5/C/4/Rev.1
ISBA/6/C/3	Statement of the President on the work of the Council at the sixth session: <b>6, 71.</b>
ISBA/6/C/5	Election to fill a vacancy on the Legal and Technical Commission
ISBA/6/C/7	Decision of the Council relating to the budget of the Authority for the financial period 2001-2002: <b>6, 72-73.</b>
ISBA/6/C/8 and Corr.1	Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Proposal by the President of the Council
ISBA/6/C/9	Decision of the Council concerning the Rules of Procedure of the Legal and Technical Commission: <b>6, 73-83.</b>
ISBA/6/C/10	Decision of the Council concerning the Staff Regulations of the Authority: <b>6, 83.</b>
ISBA/6/C/11	Report of the Chairman of the Legal and Technical Commission on the work of the Commission during the resumed sixth session: <b>6, 84-85.</b>
ISBA/6/C/12	Decision of the Council relating to the regulations on prospecting and exploration for polymetallic nodules in the Area: <b>6, 86.</b>
ISBA/6/C/13	Statement of the President on the work of the Council at the resumed sixth session: <b>6, 86-88.</b>
ISBA/6/C/INF.1	Outstanding issues with respect to the draft regulations on prospecting and exploration for polymetallic nodules in the Area (ISBA/5/C/4/Rev.1)
ISBA/6/C/L.1	Provisional agenda of the Council
ISBA/6/C/L.2	Draft staff regulations of the Authority
ISBA/6/C/L.3	Proposal submitted by the delegation of Chile concerning document ISBA/5/C/4/Rev.1
ISBA/6/C/L.4	Draft decision of the Council concerning the Rules of Procedure of the Legal and Technical Commission
ISBA/6/C/L.5	Draft decision of the Council relating to the budget for the financial period 2001-2002
ISBA/6/C/L.6	Draft decision of the Council concerning the Staff Regulations of the Authority
ISBA/6/C/L.7	Draft decision of the Council relating to the regulations on prospecting and exploration for polymetallic nodules in the Area

## **SEVENTH SESSION (2001)**

### **Assembly**

ISBA/7/A/1	Agenda of the Assembly
ISBA/7/A/2	Report of the Secretary-General of the Authority: <b>7, 4-15.</b>
ISBA/7/A/3	Election of the members of the Finance Committee
ISBA/7/A/3/Add.1	Election of the members of the Finance Committee
ISBA/7/A/3/Add.2	Election of the members of the Finance Committee
ISBA/7/A/3/Add.3	Election of the members of the Finance Committee



ISBA/7/A/3/Add.4	Election of the members of the Finance Committee
ISBA/7/A/4 and Corr.1	Report of the Credentials Committee (seventh session)
ISBA/7/A/5	Decision of the Assembly concerning the Staff Regulations of the Authority: <b>7, 16.</b>
ISBA/7/A/6	Decision of the Assembly relating to the credentials of representatives to the seventh session
ISBA/7/A/7	Statement of the President on the work of the Assembly at the seventh session: <b>7, 16-18.</b>
ISBA/7/A/INF.1	Request for observer status to the Assembly - InterOceanmetal Joint Organization (IOM)
ISBA/7/A/L.1	Provisional agenda of the Assembly

### **Council**

ISBA/7/C/1	Agenda of the Council
ISBA/7/C/2	Considerations relating to the regulations for prospecting and exploration for hydrothermal polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area: <b>7, 19-30.</b>
ISBA/7/C/3	Election of the members of the Legal and Technical Commission
ISBA/7/C/3/Add.1*	Election of the members of the Legal and Technical Commission
ISBA/7/C/3/Add.2	Election of the members of the Legal and Technical Commission
ISBA/7/C/4	Status of contracts for exploration issued in accordance with the regulations on prospecting and exploration for polymetallic nodules in the Area: <b>7, 30-32.</b>
ISBA/7/C/5	Report of the Chairman of the Legal and Technical Commission on the work of the Commission during the seventh session: <b>7, 32-35.</b>
ISBA/7/C/6	Decision of the Council relating to the election of members of the Legal and Technical Commission: <b>7, 35-36.</b>
ISBA/7/C/7	Statement of the President on the work of the Council at the seventh session: <b>7, 36-39.</b>
ISBA/7/C/L.1	Provisional agenda of the Council

## **EIGHTH SESSION (2002)**

### **Assembly**

ISBA/8/A/1 and Corr.1	Summary presentations on polymetallic massive sulphide deposits and cobalt-rich ferromanganese crusts: <b>8, 5-9.</b>
ISBA/8/A/2	Agenda of the Assembly
ISBA/8/A/3	Election to fill a vacancy on the Finance Committee
ISBA/8/A/4*	Official seal, flag and emblem of the Authority. Report of the Secretary-General
ISBA/8/A/5 and Add.1	Report of the Secretary-General of the Authority: <b>8, 9-24.</b>
ISBA/8/A/6 ISBA/8/C/2	Proposed budget for the Authority for the financial period 2003-2004. Report of the Secretary-General
ISBA/8/A/7/Rev.1 ISBA/8/C/3/Rev.1	Proposed budget of the Authority for the financial period 2003-2004. Report of the Finance Committee: <b>8, 24-27.</b>

ISBA/8/A/8	Report of the Credentials Committee (eighth session)
ISBA/8/A/9	Decision of the Assembly relating to the credentials of representatives to the eighth session
ISBA/8/A/10	Decision of the Assembly relating to the election to fill vacancies in the Council: <b>8, 27-28.</b>
ISBA/8/A/11	Decision of the Assembly relating to the budget of the Authority for the financial period 2003-2004: <b>8, 28-30.</b>
ISBA/8/A/12	Decision of the Assembly relating to the official seal, flag and emblem of the Authority: <b>8, 30-31.</b>
ISBA/8/A/13	Statement of the President on the work of the Assembly at the eighth session: <b>8, 31-33.</b>
ISBA/8/A/14	Statement by the Group of Latin American and Caribbean States: <b>8, 33-34.</b>
ISBA/8/A/L.1	Provisional agenda of the Assembly
ISBA/8/A/L.2	Draft decision of the Assembly relating to the election to fill the vacancies on the Council

**Council**

ISBA/8/C/1	Agenda of the Council
ISBA/8/C/4	Modalities for financing participation in meetings of the Legal and Technical Commission. Report of the Secretary-General: <b>8, 34-36.</b>
ISBA/8/C/5	Decision of the Council relating to the budget of the Authority for the financial period 2003-2004
ISBA/8/C/6*	Report of the Chairman of the Legal and Technical Commission on the work of the Commission during the eighth session: <b>8, 36-38.</b>
ISBA/8/C/7	Statement of the President on the work of the Council at the eighth session: <b>8, 38-39.</b>
ISBA/8/C/L.1	Provisional agenda of the Council
ISBA/8/C/L.2	Draft decision of the Council relating to the budget of the Authority for the financial period 2003-2004

**NINTH SESSION (2003)**

**Assembly**

ISBA/9/A/1	Election to fill a vacancy on the Finance Committee
ISBA/9/A/2	Agenda of the Assembly
ISBA/9/A/3	Report of the Secretary-General of the Authority: <b>9, 1-15.</b>
ISBA/9/A/4	Election to fill a vacancy on the Finance Committee
ISBA/9/A/5*	Report of the Finance Committee: <b>9, 15-18.</b>
ISBA/9/C/5*	
ISBA/9/A/6	Report of the Credentials Committee (ninth session)
ISBA/9/A/7	Decision of the Assembly relating to the credentials of the representatives to the ninth session
ISBA/9/A/8	Statement made by the Japanese delegation to the Assembly at its ninth session. Submitted by the delegation of Japan: <b>9, 19-20.</b>

ISBA/9/A/9	Statement of the President on the work of the Assembly at the ninth session: <b>9, 20-22.</b>
ISBA/9/A/L.1	Provisional agenda of the Assembly
<b>Council</b>	
ISBA/9/C/1*	Election to fill a vacancy on the Legal and Technical Commission
ISBA/9/C/2	Agenda of the Council
ISBA/9/C/4	Report of the Chairman of the Legal and Technical Commission on the work of the Commission during the ninth session: <b>9, 23-27.</b>
ISBA/9/C/6*	Statement of the President on the work of the Council at the ninth session: <b>9, 27-28.</b>
ISBA/9/C/L.1	Provisional agenda of the Council

#### **TENTH SESSION (2004)**

##### **Assembly**

ISBA/10/A/1	Agenda of the Assembly
ISBA/10/A/2	Supplementary Agreement between the Authority and the Government of Jamaica regarding the headquarters of the Authority and the use of the Jamaica Conference Centre Complex: <b>10, 1-10.</b>
ISBA/10/C/2	
ISBA/10/A/3	Report of the Secretary-General of the Authority: <b>10, 10-50.</b>
ISBA/10/A/4/Rev.1	Proposed budget for the Authority for the financial period 2005-2006. Report of the Secretary-General
ISBA/10/C/6/Rev.1	
ISBA/10/A/5	Election to fill a vacancy on the Finance Committee
ISBA/10/A/6	Report of the Finance Committee: <b>10, 50-54.</b>
ISBA/10/C/7	
ISBA/10/A/7/Rev.1	Report of the Credentials Committee (tenth session)
ISBA/10/A/8	Decision of the Assembly of the Authority relating to the budget of the Authority for the financial period 2005-2006: <b>10, 54-55.</b>
ISBA/10/A/9	Decision of the Assembly relating to the credentials of representatives to the tenth session
ISBA/10/A/10	Draft resolution submitted by Japan on the modalities for financing participation in the meetings of the Legal and Technical Commission and the Finance Committee
ISBA/10/A/11	Decision of the Assembly relating to the Supplementary Agreement between the Authority and the Government of Jamaica regarding the headquarters of the Authority and the use of the Jamaican Conference Centre complex: <b>10, 55.</b>
ISBA/10/A/12	Statement of the President on the work of the Assembly at the tenth session: <b>10, 56-63.</b>
ISBA/10/A/L.1	Provisional agenda of the Assembly

##### **Council**

ISBA/10/C/1	Election to fill a vacancy on the Legal and Technical Commission
ISBA/10/C/3	Agenda of the Council

ISBA/10/C/4	Report of the Chairman of the Legal and Technical Commission on the work of the Commission during the tenth session: <b>10, 63-68.</b>
ISBA/10/C/5	Decision of the Council relating to the Supplementary Agreement between the Authority and the Government of Jamaica regarding the headquarters of the Authority and the use of the Jamaica Conference Centre Complex: <b>10, 68.</b>
ISBA/10/C/8	Decision of the Council relating to the budget of the Authority for the financial period 2005-2006: <b>10, 68-69.</b>
ISBA/10/C/9	Decision of the Council concerning the candidates for the election of the Secretary-General: <b>10, 70.</b>
ISBA/10/C/10	Statement of the President on the work of the Council at the tenth session: <b>10, 70-72.</b>
ISBA/10/C/L.1	Provision agenda of the Council

### **ELEVENTH SESSION (2005)**

#### ***Assembly***

ISBA/11/A/1	Agenda of the Assembly
ISBA/11/A/2	Election to fill a vacancy on the Finance Committee
ISBA/11/A/3	Election to fill a vacancy on the Finance Committee
ISBA/11/A/4 and Corr. 1	Report of the Secretary-General of the Authority: <b>11, 1-16.</b>
ISBA/11/A/5	Notification dated 28 July 2005 sent to member States by the Secretary-General of the Authority relating to an application for approval of a plan of work for exploration by the Federal Republic of Germany represented by the German Federal Institute for Geosciences and Natural Resources: <b>11, 16-17.</b>
ISBA/11/A/6	Election to fill a vacancy on the Finance Committee
ISBA/11/A/7	Election to fill a vacancy on the Finance Committee
ISBA/11/A/8	Report of the Finance Committee: <b>11, 17-19.</b>
ISBA/11/C/9	
ISBA/11/A/9	Report of the Credentials Committee (eleventh session)
ISBA/11/A/10	Decision of the Assembly relating to the credentials of representatives of eleventh session
ISBA/11/A/11	Statement of the President on work of the Assembly at the eleventh session: <b>11, 19-22.</b>
ISBA/11/A/L.1	Provisional agenda of the Assembly
ISBA/11/A/INF.1	Request for observer status to the Assembly - International Union for the Conservation of Nature and Natural Resources (IUCN, or the World Conservation Union)

#### ***Council***

ISBA/11/C/1	Agenda of the Council
ISBA/11/C/2	Election to fill a vacancy on the Legal and Technical Commission
ISBA/11/C/3	Election to fill a vacancy on the Legal and Technical Commission
ISBA/11/C/4	Election to fill a vacancy on the Legal and Technical Commission

ISBA/11/C/5	Explanatory notes relating to the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crust (ISBA/10/C/WP.1): <b>11, 23-25.</b>
ISBA/11/C/6	Election to fill a vacancy on the Legal and Technical Commission
ISBA/11/C/7	Report and recommendations to the Council relating to an application for approval of a plan of work for exploration by the Federal Republic of Germany represented by the German Federal Institute for Geosciences and Natural Resources: <b>11, 26-36.</b>
ISBA/11/C/8	Report of the Chairman of the Legal and Technical Commission on the work of the Commission during the eleventh session: <b>11, 37-42.</b>
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