

# INTERNATIONAL SEABED AUTHORITY

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## Assembly



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

### STATEMENT OF THE PRESIDENT ON THE WORK OF THE ASSEMBLY AT THE FIFTH SESSION

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

#### Adoption of the Agenda

2. At its 63rd meeting, on 9 August 1999, the Assembly adopted the agenda for the fifth session (ISBA/5/A/5).

#### Election of the President and Vice-Presidents of the Assembly

3. At the 63rd meeting, on 9 August 1999, Mr. José Luis Vallarta Marrón (Mexico) was elected President of the Assembly for 1999. Subsequently, following consultations in the regional groups, the representatives of the Czech Republic (Eastern European Group), Senegal (African Group), the Republic of Korea (Asian Group) and Italy (Western European and Others Group) were elected as Vice-Presidents.

#### Election to fill vacancies on the Council

4. Following consultations among the regional groups and interest groups and subject to the understandings reached in the regional groups and interest groups, at its 64th meeting, on 13 August 1999, the Assembly elected Italy as a member of the Council in Group A and Australia as a member of the Council in Group C with effect from 1 January 1999 (ISBA/5/A/7). In respect of Group E of the Council, the Latin American and Caribbean Group informed the Assembly of its understanding that Chile would be elected with effect from 1 January 2001 to the seat in Group E currently occupied by Costa Rica, which Costa Rica is due to relinquish on 31 December 2000 in accordance with the understanding reached in 1998 (ISBA/4/A/6).

Requests for observer status

5. At the 64th meeting, on 13 August 1999, the Assembly considered requests for observer status submitted by the Secretariat of the Convention on Biological Diversity and by the International Association of Drilling Contractors. The Assembly granted observer status under rule 82, paragraph 1 (d), of its Rules of Procedure to the Secretariat of the Convention on Biological Diversity. The Assembly granted observer status under rule 82, paragraph 1 (e), of its Rules of Procedure to the International Association of Drilling Contractors, a non-governmental organization.

Election to fill vacancies on the Finance Committee

6. At the 64th meeting, on 13 August 1999, Mr. Narinder Singh (India) was elected by the Assembly to fill the vacancy left by the resignation of Mr. S. Rama Rao (India) for the remainder of Mr. Rao's five-year term, expiring on 31 December 2001.

7. In accordance with the understanding reached in 1996 (ISBA/A/L.13, para. 10), Mr. Hasjim Djalal (Indonesia) was elected to the Finance Committee in place of Mr. Isaac K. Margulis (Mexico) for the remainder of Mr. Margulis' five-year term, expiring on 31 December 2001.

8. The Assembly was informed that Ms. Deborah M. Wynes (United States of America) had resigned from the Finance Committee.

9. In accordance with the understanding reached in 1996 (ibid.), the Assembly elected Ms. Maria Dragun-Gertner (Poland) to the Finance Committee for the remainder of the five-year term.

Appointment of the Credentials Committee

10. The Assembly elected a Credentials Committee in accordance with rule 24 of its Rules of Procedure. The following were elected as members of the Credentials Committee: Austria, Bahamas, China, Côte d'Ivoire, Czech Republic, Ghana, Japan, Netherlands and Uruguay. Subsequently, Mr. Walter Gehr (Austria) was elected by the Committee as its Chairman. The Committee met on 24 August 1999. The report of the Committee is contained in document ISBA/5/A/9. At the 67th plenary meeting, on 25 August 1999, the Assembly adopted the report of the Credentials Committee. The decision of the Assembly relating to credentials is contained in document ISBA/5/A/10.

Annual report of the Secretary-General

11. The Secretary-General introduced his third annual report (ISBA/5/A/1), as required by article 166, paragraph 4, of the Convention. Following the presentation by the Secretary-General, statements were made by the delegations of Cameroon, China, Côte d'Ivoire, Czech Republic, Egypt, France, Ghana, Indonesia, Jamaica, Portugal, the Republic of Korea, Senegal, the Sudan, the United Republic of Tanzania and the United Kingdom of Great Britain and Northern Ireland and by the observer delegation of the United States of America.

12. It was noted that, since the preparation of the report, two more States, Ukraine and Vanuatu, had acceded to the 1982 United Nations Convention on the Law of the Sea. Several delegations expressed satisfaction at the increasing number of States Parties to the Convention and regret at the fact that nine States which had been provisional members of the Authority had been unable to complete the internal procedures necessary to become Parties to the Convention and had therefore ceased to be members of the Authority. It was noted that several of the States that had not yet completed the necessary steps to become parties to the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 had almost completed the constitutional and legal steps necessary and expected to become parties to the Agreement in the near future.

13. A number of delegations noted with satisfaction that the level of contributions to the administrative budget of the Authority had increased significantly in 1999 compared to 1998. At the same time, however, several delegations expressed concern that some members of the Authority, including some former provisional members, remained in arrears. The Secretary-General noted that, as a result of the uncertainty surrounding the payment of contributions by some members, it had been difficult to manage the administrative budget for 1998 and it had therefore been necessary to postpone certain approved expenditures and make savings elsewhere in the administrative budget in order to take account of the failure of some members to pay their assessed contributions in 1998. Delegations stressed the importance of paying contributions on time and in full.

14. Delegations expressed their support for the increased emphasis in the report on the substantive technical work of the Authority. Several delegations suggested that the highest priority should be given to completing work on the draft mining code as soon as possible. At the same time, several delegations welcomed the Secretary-General's proposal to convene a workshop during 2000 on resources other than hydrothermal polymetallic nodules, including polymetallic sulphides, methane hydrates and cobalt-bearing crusts. The potential implications of article 82 of the Convention for the work of the Authority were also noted. The importance of giving adequate notice of such workshops was stressed, with a view to ensuring the widest possible participation by members of the Authority. Delegations also stressed the need to provide the Secretariat with adequate resources to carry out substantive technical work in accordance with the mandate given to it by the Assembly. The delegation of China, while noting with satisfaction the progress that had been made in the establishment of the Authority's database on the resources of the Area, expressed its willingness to assist the Authority in the further development of the database.

15. All delegations that spoke expressed considerable satisfaction at the progress that had been made in the discussions with the Government of Jamaica concerning the permanent headquarters of the Authority, noting that the proposed arrangements would be considered by the Finance Committee prior to their consideration by the Council and the Assembly.

#### Budget of the Authority for 2000

16. The Assembly considered the proposed budget for the Authority for 2000 as contained in the report of the Secretary-General (ISBA/5/A/2-ISBA/5/C/2 and

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Add.1/Rev.1). In reviewing the proposed budget the Assembly took into account the recommendations of the Finance Committee as contained in its report of 20 August 1999 (ISBA/5/A/8-ISBA/5/C/7) and the decision and recommendations of the Council relating to the budget of the Authority for 2000 (ISBA/5/C/8). The Assembly adopted the budget of the Authority for 2000 in the sum of US\$ 5,275,200. In adopting the budget, the Assembly further decided that, in order to enable the Council to complete its work on the draft regulations on prospecting and exploration for polymetallic nodules in the Area (the mining code) during 2000, there should be two two-week sessions of the Authority in 2000, without prejudice to the future work pattern of the Authority.

#### Appointment of auditors

17. In accordance with the recommendation of the Finance Committee (ISBA/5/A/8-ISBA/5/C/7), the Assembly requested the Secretary-General to make the necessary arrangements to appoint KPMG Peat Marwick to audit the Authority for the financial year 1999, without prejudice to future appointments.

#### Assessment of contributions of members of the Authority

18. In accordance with the recommendation of the Council, the Assembly decided to authorize the Secretary-General to establish the scale of assessment for 2000 based on the scale used for the regular budget of the United Nations for 1999, as recommended in paragraph 7 of the report of the Finance Committee.

19. The decision of the Assembly relating to the budget of the Authority for 2000 and related matters is contained in document ISBA/5/A/12.

#### Headquarters agreement

20. At the 67th meeting, on 25 August 1999, the Assembly approved the Agreement between the International Seabed Authority and the Government of Jamaica relating to the headquarters of the Authority. The Assembly accepted with appreciation the offer of the Government of Jamaica of a long-term lease of the second floor and such other space as might be required in the building located at Block 11, 14-16 Port Royal Street, Kingston, for the use and occupation of the Authority as its permanent headquarters and requested the Secretary-General to negotiate with the Government of Jamaica, pursuant to article 2 of the Agreement, a supplementary agreement concerning the use and occupation of the permanent headquarters. The decision of the Assembly approving the headquarters agreement is contained in document ISBA/5/A/11. The Secretary-General noted that the provisions of the headquarters agreement and the provisions of the Protocol on the Privileges and Immunities of the International Seabed Authority (ISBA/4/A/8), adopted by the Assembly in 1998, are complementary. He urged members of the Authority to sign and ratify the Protocol at the earliest opportunity.

21. The observer delegation of the United States stated that, in its view, article 22 of the Headquarters Agreement, which encompassed provisions from annex IV, article 13, paragraph 4, of the Convention, might not fully reflect the requirements of the 1994 Implementation Agreement, which envisions the Enterprise operating in conjunction with joint ventures. In the view of the

United States, in granting any special privileges to joint ventures operating in conjunction with the Enterprise, consistency must be maintained with the World Trade Organization and various bilateral investment treaties and other relevant treaties.

22. At the 68th meeting, on 26 August 1999, in a formal ceremony, the Headquarters Agreement was signed by the Secretary-General, on behalf of the Authority, and by the Minister for Foreign Affairs of Jamaica, the Hon. Seymour Mullings, on behalf of the Government of Jamaica.

#### Financial regulations

23. The Assembly did not have sufficient time to consider the draft financial regulations of the Authority at the current session, although it was noted that the regulations had been adopted by the Council and would apply provisionally.

#### Staff regulations

24. As the Council did not complete its consideration of the draft staff regulations of the Authority, the Assembly did not have the opportunity to consider them at the current session.

#### Next meeting of the Assembly

25. The next meeting of the Assembly will be held at Kingston, Jamaica, from 20 to 31 March 2000. The second part of the session will take place between 3 and 21 July 1999. The representative of Australia, on behalf of the Western European and Others Group, announced the candidacy of Dr. Liesbeth Lijnzaad (Netherlands) for the presidency of the Assembly in 2000.

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