SEABED COUNCIL APPROVES APPLICATION BY FEDERAL REPUBLIC OF GERMANY FOR EXPLORATION IN THE INTERNATIONAL SEABED AREA

The Council of the International Seabed Authority this afternoon adopted a decision (document ISBA/11/C/10) by which it approved an application for exploration of polymetallic nodules in the international seabed Area submitted by the Federal Republic of Germany.

The Council, acting on the basis of the data and information submitted by the Federal Republic of Germany and the recommendation of the Legal and Technical Commission, designated Sectors W2 and E2 as specified in annex II of document ISBA/11/C/7 as the area reserved for the Authority in accordance with paragraph 2 of regulation 16 of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (document ISBA/6/A/18).

It decided further, based on the Commission’s recommendation, to allocate Sectors WI and EI as specified also in the same document as the exploration area for the Federal Republic of Germany. The Council also approved the plan of work for exploration submitted by Germany.

It requested the Secretary-General of the Authority to take the necessary steps to issue the plan of work for exploration in the form of a contract between the Authority and the Federal Republic of Germany in accordance with the Regulations.

The Federal Republic of Germany, represented by the German Federal Institute for Geosciences and Natural Resources (BGR), will become the eighth contractor to prospect for polymetallic nodules in the international seabed Area, once the contract between it and the Authority is signed.
The Authority’s Legal and Technical Commission considered the application of the Federal Republic of Germany on 11 and 12 and from 15 to 17 August in closed session.

In its report to the Council, contained in document ISBA/11/C/7, the Commission said that after examining particulars presented by the applicant, it was satisfied that the application had been duly submitted in accordance with the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area.

The Commission also said that the applicant had complied with the provisions of the Regulations and had given the required undertakings and assurances specified in Regulation 14 of the Mining Code. Under that provision, the applicant will, among other things, accept as enforceable, and comply with the applicable obligations created by the provisions of the United Nations Convention on the Law of the Sea and the rules, regulations and procedures of the Authority. The applicant will also accept the decisions of the relevant organs of the Authority.

The Commission said that the applicant possessed the financial and technical capability to carry out the proposed plan of work for exploration.

According to information supplied to the Commission, more than $30 million had been spent by the Federal Government in research and exploration activities. The Federal Government had declared that it had the necessary financial resources to meet the estimated costs of the proposed plan of work for exploration.

The Institute’s application was based on prospecting data collected from 1976 to 1978 by a German consortium, AMR. The proposed work programme for the first five years would include the comprehensive evaluation of an archive material which the Institute inherited from the German company, Preussag. It would also include a research cruise to the license area.

Germany’s application outlined a proposed training programme, including three marine research cruises in which two persons, selected by the Authority, would be invited to participate. The BGR also plans to organize a four-month training course on marine management, in collaboration with the German Institutes Geonmar, the University of Bremen and the Centre for Tropical Marine Ecology.

With respect to the proposed plan of work, the Commission said it was satisfied that it would provide for effective protection of human health and safety, as well as for effective protection and preservation of the marine environment. It was also satisfied that the project would not interfere with the use of recognized sea lanes essential to international navigation or fishing.

In the ensuing discussions, many delegations took the floor to commend the Legal and Technical Commission and its Chairman, Baidy Diène of Senegal, for a clear and comprehensive presentation of Germany’s application. They welcomed the application and endorsed the recommendations of the LTC for the plan of work to be approved.

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The Council originally had before it a draft decision contained in document ISBA/11/C/L.2 which was orally amended to accommodate an issue point raised by China. Its delegation noted that the text made mention of the area reserved for the Authority without specifying the sectors designated to the contractor for exploration. To address this concern, the Secretary-General proposed the inclusion of an additional paragraph 1 bis which would state that the Council “decides further, taking into account the recommendation of the Legal and Technical Commission, to allocate sectors W1 and E1 as specified in Annex II of document ISBA/11/C/7 to the Federal Republic of Germany as its exploration area”.

Referring to BGR’s plans for training, Nigeria requested that five, rather than two, trainees be invited to participate. This suggestion was supported by Brazil, Egypt and Malaysia. Papua New Guinea proposed that given the location of the exploration area, Pacific countries might be given preference in the selection process for this training.

Responding to calls from representatives of developing countries for an increase in the number of persons to be involved in the proposed training programme described in its application, Germany noted that three cruises are planned – in 2006, 2008 and 2010. All three cruises would take place on the RV SONNE.

The Authority would get the opportunity to select two candidates for each cruise, for a total of six trainees. It might also be possible to accommodate two additional participants on the 2008 cruise. Another two could also attend a four-month training course on marine management, organized by the BGR, the German Institutes Geomar in Kiel, the University of Bremen and the Centre for Tropical Marine Ecology in Bremen. All told, up to 10 scientists could participate in the training programme if the Authority decided to recommend that many individuals. Germany said it was aware of its obligation to provide further information on training before the contract agreement was concluded.

Senegal lauded Germany’s flexibility demonstrated in its response to concerns about participation in the proposed training.

Calling the Council’s action a milestone in the history of the Authority, Secretary-General, Satya N. Nandan said Germany’s application, the Commission’s recommendation and the subsequent approval by the Council, demonstrated confidence in the Authority and its system of governing the activities of the deep seabed is in the interest of all humanity.

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