SEABED ADOPTS RECOMMENDATIONS OF FINANCE COMMITTEE; COMPLETES DEBATE ON SECRETARY-GENERAL’S REPORT AND CONSIDERS COMMONWEALTH SECRETARIAT’S REQUEST FOR OBSERVER STATUS

The Assembly of the International Seabed Authority, meeting in Kingston this morning, adopted the recommendations of the Finance and Credentials Committees and deferred until tomorrow debate over a request for observer status from the Commonwealth of Nations.

The Assembly also heard interventions from a number of delegations as it continued its debate on the Secretary-General’s report which covered the Authority’s substantive work programme. Topics discussed ranged from organization of workshops and sensitization seminars, scheduling of dates for the Authority’s annual sessions and the request from the Commonwealth Secretariat for observer status.

The Assembly, acting on the reports of the Council and the Finance Committee, took a number of decisions relating to financial and budgetary matters, including the appointment of an independent auditor for the financial statements of the Authority for two years – 2009 and 2010.

Responding to the statements, Secretary-General Nii Allotey Odunton thanked delegations for their support and pledged to live up to the confidence placed in him. He announced two workshops planned for 2009 and 2010.
Statements

Ecuador opened the debate by commending the Secretary-General on his achievements since taking up office on 1 January 2009 and expressed confidence in his ability to move the Authority forward in its work. This sentiment was echoed by many other members.

A point touched on by several delegations, including Chile, Russian Federation, and Spain, was the appeal for the adoption during this session of regulations to govern the prospecting and exploration of polymetallic sulphides. Argentina said such a step would send an important message to the international community with respect to the establishment of the Area as the common heritage of mankind.

Pakistan, Spain and Tanzania were among the delegations lauding the success of the Authority’s Endowment Fund and the workshops and seminars organized in developing scientific expertise. Spain said that its contributions to the Endowment Fund and the Voluntary Trust Fund signalled its government’s commitment to promoting scientific research. Its representative referred to plans to follow-up on an initial seminar on marine issues held in Madrid recently. Chile also announced a seminar to take place in that country next year to highlight the work of the Authority.

Burkina Faso, Tanzania and Uganda joined the call made earlier in the 15th session by Nigeria and Senegal for the Secretary-General to address the Assembly of African Heads of State on the activities of the International Seabed Authority.

The Bahamas commended the Secretary-General on the initiatives he had undertaken since his assumption of office at the helm of the Authority.

The representative particularly noted the seminar convened in February 2009 in collaboration with the Royal Institute of International Affairs (Chatham House) to explore issues associated with the implementation of article 82 of the United Nations Convention on the Law of the Sea, and the closer working relationship forged between the Authority and the Secretariat of the Convention on Biological Diversity. Those collaborative efforts, she said, spoke to the Secretary-General’s awareness of the interconnectiveness of the issues that were at the centre of the Authority’s work.

A number of delegations expressed regret at the level of attendance at the Authority’s sessions. Uganda suggested that if sessions were scheduled earlier in the year, delegations might be motivated to follow the example of “migratory birds” which flew south during the northern hemisphere’s winter.

The Secretary-General, Nii Allotey Odunton, began his response by thanking members for their kind words and support and expressed his commitment to make every effort to live up to their confidence in him.

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On the matter of attendance, the Secretary-General expressed the view that a useful way to encourage greater participation was through the organization of regional seminars which had been shown to increase interest in and knowledge about the work of the International Seabed Authority. He pointed out that even in Jamaica, where the Authority had been headquartered for 15 years, there was evidence of lack of knowledge about its work and achievements.

Noting that the Authority was involved in a very expensive area of work, Mr. Odunton thanked the Norwegian delegation for its generous contributions to the Voluntary Trust Fund and the Endowment Fund and encouraged other members to make donations, however small, to those funds.

The Secretary-General announced that the next workshop, scheduled for later this year, would focus on finalizing the project of the geological model of deposits in the Clarion Clipperton Zone. In 2010, a workshop was planned to highlight the bio-diversity around the cobalt-rich ferromanganese crusts in the Area. This would provide invaluable information for the Legal and Technical Commission in their deliberations on draft regulations for these minerals.

In his conclusion, Mr. Odunton said he would make every effort to address the requests and suggestions put forward by the Assembly and hoped to report progress at the 16th session.

Other matters

On another matter, Japan reiterated a view it expressed on Tuesday following an expert’s presentation on safeguarding the common heritage of mankind. Its delegate regretted the use of the Authority’s sessions by some members to advocate positions concerning submissions to the Commission on the Limits of the Continental Shelf (CLCS). The representative said that the sessions of the Authority were not the appropriate forum for the discussion of individual submissions to the CLCS, since the Authority had no jurisdiction on those matters. His government’s submission to the CLCS was based on scientific information and was fully consistent with the provisions of the United Nations Convention on the Law of the Sea.

Responding, China argued that the International Seabed Authority was the right forum to discuss the matter since it had the mandate to protect the common heritage of mankind. Referring to Article 121, paragraph 3 of the Convention, the Chinese representative said the CLCS had no mandate to rule on what constituted an island or a rock. He urged member States to be guided by the letter and spirit of the Convention to avoid any encroachment on the common heritage of mankind. The Republic of Korea and Tanzania agreed with that view.
Before moving on to other matters on the agenda, Assembly President Mario José Pino, handed over the presidency to the vice-president representing the African group, Faith Doreen Radebe (South Africa) under rule 29 of the rules of procedure of the Assembly.

Request for observer status

The Assembly began to consider item 5 on its agenda: consideration of requests for observer status in accordance with rule 82.1, paragraphs (d) and (e), of the rules of procedures of the Assembly. Rule 82 states that included in those bodies that may participate as observers in the Assembly are:

(d) The United Nations, its specialized agencies, the International Atomic Energy Agency and other intergovernmental organizations invited by the Assembly;

(e) Non-governmental organizations with which the Secretary-General has entered into arrangements in accordance with article 169, paragraph 1, of the United Nations Convention on the Law of the Sea, and other non-governmental organizations invited by the Assembly which have demonstrated their interest in matters under the consideration by the Assembly.

The two entities requesting observer status were the Commonwealth of Nations, which falls under paragraph (d) and the World Wildlife Fund (WWF) which is covered under paragraph (e). The Commonwealth of Nations, known as the Commonwealth, is an intergovernmental organization of 53 independent member States, of which 50 are members of the International Seabed Authority. They cooperate within a framework of common values and goals including, inter alia, the promotion of the rule of law, free trade, and sustainable economic and social development (ISBA/15/A/INF/2).

At an earlier meeting the WWF was granted observer status in the Assembly. However, the request of the Commonwealth Secretariat was deferred after some members sought clarification on certain points.

Beginning the discussion, the Argentinean delegation expressed the view that no progress could be made on the issue since the proper procedure, as set out in rule 11 of the Rules of Procedure of the Assembly, had not been followed in putting forward the request. Rule 11 states:

Any member of the Assembly, the Council or the Secretary-General may, at least thirty days before the date fixed for the opening of a regular session, request the inclusion of supplementary items in the agenda. Such items shall be placed on a supplementary list, which shall be communicated to the members of the Assembly and to observers referred to in rule 82 at least twenty days before the opening of the session.

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Since the request had not been circulated to the members, the time frame had not been observed and therefore no informed decision could be made. He warned against creating a “dangerous precedent” by making exceptions to the rules and suggested that the request be considered at the Authority’s 16th session.

On the other hand, Trinidad and Tobago made a strong appeal for the Assembly to accept the request of the Commonwealth Secretariat at this session. It argued that the organization had complied with rule 11 by writing to the Authority as early as 20 March 2009. Furthermore, testimonies from other delegations had removed any doubt about the competence of the Commonwealth Secretariat and its relevance to the work of the Authority.

Several members supported the appeal made by Trinidad and Tobago. New Zealand and the United Kingdom cited the technical and capacity-building assistance provided to small states from the secretariat, including support given directly to states in making their submissions to the CLCS. Other members expressing support were Australia, Bangladesh, Barbados, India, Nigeria, South Africa and Uganda.

The Secretariat of the Authority outlined what had taken place with regard to the requests for observer status prior to the session. The first provisional agenda for the Assembly dated 5 January 2009 had not included item 5 since there had been at that time no requests for observer status. Following receipt of two requests, a revised provisional agenda dated 24 April, 2009, was circulated.

The Secretariat pointed out that, unlike an NGO, an inter-governmental organization had no specific obligation to justify its participation in the Assembly. Moreover, there was no specific format for their applications, nor any indication that required their requests to be circulated in any particular format. Therefore no written document had been circulated. It was only after requests from delegations for more information that the document ISBA/15/A/INF/2 had been drawn up.

Chile suggested that the Argentinean delegation be allowed time to apprise its government of the general feeling of the Assembly on the matter of the Commonwealth Secretariat’s request for observer status. The Vice-President said the Assembly would take up the matter tomorrow, June 5 at its final meeting for this session.

In other action the Assembly, acting on the decision and recommendations respectively of the Council and the Finance Committee, urged members of the Authority to pay their assessed contributions to the organization’s budget on time and in full. They were also urged to pay outstanding contributions from previous years as soon as possible. The Secretary-General was requested to use his discretion to continue his efforts to recover the amounts.
Observers attending and participating in meetings of the Authority were encouraged to make voluntary contributions to the budget and/or the Endowment Fund and Voluntary Trust Funds of the Authority.

The Assembly took note with appreciation the efforts of the Secretary-General to effect savings in the Authority’s budget during the financial period 2009-2010.

Also acting on the recommendation of the Finance Committee, the Assembly appointed PricewaterhouseCoopers as an independent auditor of the financial statements of the Authority for two years – 2009 and 2010.

**Credentials Committee**

At the 15th session, the Credentials Committee consisted of the following nine members: Australia, Cote d’Ivoire, Fiji, Germany, Guyana, Haiti, Japan, Mozambique and the Russian Federation. The Committee’s report was presented by its Chairman Katy Chia-Ti Lin (Australia). She informed the Assembly that the Committee had accepted the credentials of 66 members participating in this year’s session.