

International Seabed Authority

Press Release



**Fifteenth Session
Kingston, Jamaica
25 May - 5 June 2009**

Round-up Session

**SB/15/17
5 June 2009**

SEABED AUTHORITY CONCLUDES FIFTEENTH SESSION IN KINGSTON

**Leaves two outstanding issues of draft sulphide regulations
for next session; Membership increases to 158;
Admits two organizations as observers**

The International Seabed Authority after nearly two weeks of intensive negotiations wound up its fifteenth annual session in Kingston 5 June without finalizing a text on a set of regulations that would govern the exploration of polymetallic sulphides in deep oceans beyond national jurisdiction.

The Authority's 36-member Council which has been conducting the negotiations failed to agree on a compromise provision dealing with anti-monopoly and overlapping claims to potential mine sites in the seabed Area. It was agreed that discussions would be continued at the sixteenth session of the Authority – 26 April to 7 May 2010.

During the session, the Assembly's expert body, the Legal and Technical Commission, adopted revised regulations on prospecting and exploration for ferromanganese crusts in the Area which is to be transmitted to the Council for its consideration at the sixteenth session.

The two instruments when eventually adopted by the Assembly would form part of a mining code which the Authority is constructing to enable it to organize and control all mineral-related activities in the international seabed Area beyond the limits of national jurisdiction.

The first piece of seabed legislation entitled "Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area" was adopted by the Authority on 13 July 2000. It includes the forms necessary for applying for exploration rights as well as

standard terms of exploration contracts. Polymetallic sulphides and cobalt-rich crusts are different from polymetallic nodules as well as distinct from one another.

The draft regulations on sulphides and nodules fall within a general legal framework established by the 1982 United Nations Convention on the Law of the Sea and the 1994 Implementing Agreement relating to deep seabed mining.

The International Seabed Authority came into being on 16 November 1994 with the entry into force that year of the Convention. The Authority organizes workshops and sensitization seminars on all aspects of seabed prospecting and explorations, in addition to its work on elaborating regulations and rules.

Sulphides regulations

According to a statement of the President of the Council, Mahmoud Samy (Egypt), the Council carried out its deliberations on the draft regulations on prospecting and exploration for polymetallic sulphides in the Area on the basis of a revised text prepared by the Secretariat (ISBA/15/C/WP.1). It also had before it a working paper on the outstanding issues with respect to the draft regulations also prepared by the Secretariat as well as a number of suggested possible revisions (ISBA/15/C/WP.2).

The Council President said that agreement was reached on revisions to the following draft regulations in the text: regulations 21 (3) – a provision in the section dealing with fee for applications; regulation 28 on the size of area and relinquishment; regulation 45 (3) by which the Council may amend the provisions of the regulations in the light of a review. Agreement was also reached on the provisions of annex 4 to the draft regulations; section 17.3; 21.1 bis and section 25.2. A revised text of the regulations incorporating the revisions on which the agreement had been reached was issued at the conclusion of the session. (ISBA/15/C/WP.1/Rev.1)

The Council President said, “Despite intensive work by all delegations, the Council was not able to complete its consideration of proposed revisions to regulations 12 (5) and 23 dealing with, respectively, anti-monopoly and overlapping claims. It was agreed that discussion of these issues would be continued at the next session with a view to adopting the draft regulations”.

In 1998, the Russian Federation formally requested the Authority to develop regulations for prospecting and exploration for deep sea polymetallic sulphide deposits and cobalt-rich ferromanganese crusts. Subsequently, a document on the proposed regulations was prepared for the consideration of the Authority’s Council at the seventh session in 2001.

The Authority’s expert body, the Legal and Technical Commission, submitted a draft text in 2002 covering polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area. At the Authority’s twelfth session, in 2006, the Council decided to separate the draft regulations dealing with polymetallic sulphides from those on crusts, and requested the Commission to prepare a more detailed text on the latter.

The draft sulphides regulations, consists of a preamble and 45 regulations organized into ten parts and four annexes. The regulations deal only with prospecting and exploration phases and apply only to polymetallic sulphides.

Council

The Council took note of the report of the Legal and Technical Commission (ISBA/15/LTC/CRP.1) which noted that its members adopted the revised text of the draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts “as its recommendation to the Council...” The Commission said the text would, in due course, be transmitted to the Council for its consideration at the Authority’s sixteenth session in 2010.

The Commission which commenced its meetings on 18 May, one week before the start of the Authority’s session, considered a number of issues.

Contractors’ reports

On its examination of the annual reports of contractors, the Commission noted the lack of uniformity by the contractors in the classification of nodule types based on size, surface etc. It encouraged them to integrate their data into the International Seabed Authority database, and also collect samples for genetic characterization of fauna and micro-organisms and standardize sampling protocols and design.

Establishment of networks of environmental interest in CCZ

The Commission noted that the establishment of a network of areas of particular environmental interest in the Clarion-Clipperton Fracture Zone could contribute in a number of important ways to the general objectives of the environmental regime created by the Authority. The scientific information that could be generated by such areas would be useful for the adoption of rules, regulations and procedures incorporating applicable standards for the protection and preservation of the marine environment. It would also greatly facilitate the periodic review of environmental regulations and recommendations.

The Commission recommended the convening by the Authority of an international workshop, including Commission members with relevant expertise, as well as representatives of contractors and other experts, to review further the proposal for the establishment of the network.

Environmental recommendations

The Commission decided to revise and update recommendations made by two workshops on the environment in 2001, noting that material contained in them was out of date. It said the revision should include a standard sampling protocol and storage protocol for archiving data, in order to optimize the comparison, at a regional scale, of the environmental data collected by the contractors. The Commission agreed to work on the matter intersessionally for review at the next session.

Reporting of exploration expenditure

The Commission on 22 May 2009 adopted recommendations for the guidance of contractors for the reporting of actual and direct exploration expenditures as required by annex 4, section 10, of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (ISBA/15/LTC/7). The purpose of the recommendations was, among others, to guide contractors to maintain books, accounts and financial records in accordance with the Regulations.

It was also to help them identify internationally accepted accounting principles, the definition of the actual and direct costs of exploration, the format for the presentation of financial information in the annual reports, and the form of certification of the expenditure.

Update on progress on the geological model for the Clarion-Clipperton Zone

The Commission received a presentation on the status of the project to establish a geological model for the Clarion-Clipperton Zone, and noted that the project was near completion. A workshop would be convened in late 2009 to present the results of the project. The Commission expressed its satisfaction with the impressive achievement and noted that the participation of the contractors had been critical to the project's success. It also took note of plans to commence work on a similar geological model for the Indian Ocean.

Expert briefings

During the session two open briefings were organized by the secretariat for members of the Authority and observers attending the fifteenth session. The speakers at the first briefing which took place on 2 June were: Mick Green, Chairman of the International Cable Protection Committee, on "Submarine Cables: What You Need to Know"; Dr. Vijay Kodagali, an internationally recognized expert on multibeam swath bathymetric surveys and currently a Scientific Officer and Marine Geologist at the Secretariat of the Authority; and professor Jia Yu, Deputy Director of the China Institute for Marine Affairs, and Deputy Secretary-General of the Chinese Society of the Law of the Sea.

The second briefing on 3 June was given by Kaiser Goncalves de Souza, Chief of the Division of Marine Geology, Geological Survey of Brazil; and Sabine Christensen of the World Wildlife Fund International (WWF).

Secretary-General's report

Secretary-General, Nii Allotey Odunton (Ghana) presenting his maiden report to the Assembly, (ISBA/15/A/2), said the Authority had carried out path-breaking work in research on marine environment. He made a commitment to raise the profile of the Authority as a contributor to global development. The report, presented under article 166, paragraph 4, of the 1982 United Nations Convention on the Law of the Sea, provided an account of the Authority's work since its last session as well as a brief overview of the present status of and prospects for deep seabed mining.

Two international workshops were planned over the next two years. The first, in 2009, will review the geological model of polymetallic nodule deposits in the Clarion-Clipperton Zone. The second, scheduled for 2010, will ascertain the modalities for scientific collaboration in research on cobalt-rich ferromanganese crusts deposits in the international seabed area in order to address the standardization requirements for environmental data needed for mining.

He said that one of the greatest innovations in recent years had been the conduct of three sensitization seminars on marine minerals and other issues relevant to the Authority's work. The first was held in Manado, Indonesia in 2007; the second in Rio de Janeiro, Brazil in 2008, and the most recent, in March 2009, was convened jointly by the Authority and the Nigerian Inter-ministerial Standing Committee on the International Seabed Authority in Abuja, Nigeria.

Mr. Odunton said this interaction between experts in deep seabed mining and marine environmental protection had made an impact in the countries where the seminars were held.

Mr. Odunton highlighted some recent developments with respect to marine scientific research. He noted that the Authority relied heavily on studies carried out on sulphide deposits and the biodiversity surrounding them by marine scientists working from cruise vessels.

However, he pointed out that funding for the studies was focused mainly on research conducted on active deposits at vent sites. Since the sulphide deposits that would be mined were inactive deposits, the research did not provide specific information required for the work of the Legal and Technical Commission. He stressed the need for more funding to be directed at research into inactive deposits.

The Secretary-General further emphasized the need for ongoing international collaboration, including between relevant intergovernmental organizations, to ensure effective protection and preservation of the marine environment.

Statement by Jamaican Deputy P.M. and Foreign Affairs Minister

Dr. Kenneth Baugh, Deputy Prime Minister and Minister of Foreign Affairs and Foreign Trade of Jamaica, reiterated his Government's support for Secretary-General Nii Allotey Odunton and for the Authority's work.

Noting the effects of the worst global economic recession in seventy years, he said it was imperative that the Authority's members moved more expeditiously to put in place the necessary provisions in the United Nations Convention on the Law of the Sea to harness the resources of the seabed.

Finance

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 Authority's financial statements for two years – 2009 and 2010.

During the session, Norway announced a contribution of US\$250,000 to the **Endowment Fund** and US\$50,000 to the **Voluntary Trust Fund**. The Trust Fund was established in 2002 to

enhance the participation of members of the Finance Committee and the Legal and Technical Commission from developing countries.

Endowment Fund

Three awards have been made under the Endowment Fund which was established in 2006 to promote and encourage the conduct of marine scientific research in the international seabed Area. It was aimed in particular to support the participation of qualified scientists and technical personnel from developing countries in marine research programmes.

The recipients were InterRidge, a non-profit organization concerned with promoting all aspects of mid-ocean ridge; the Rhodes Academy of Oceans Law and Policy; and the National Institute of Oceanography, Goa, India, to help finance training fellowships for nationals of developing countries. Application forms for this programme (known as TAP-MAR) have recently been posted on the Authority's web site www.isa.org.jm. Contributions to the Fund have also been made by the Governments of Mexico (\$2,500), Spain (\$25,514), and the United Kingdom (\$29,800).

Elections

Mario José Pino of Argentina was elected President for the fifteenth session with India, New Zealand, the Russian Federation and South Africa as Vice-Presidents. Australia, Cote d'Ivoire, Fiji, Germany, Guyana, Haiti, Japan, Mozambique and the Russian Federation were appointed to serve on the Credentials Committee.

The Assembly elected Wang Quanling (China) to the Finance Committee to fill the vacancy created by the resignation of her compatriot Liu Jian. Ms Wang is Director, Environmental and Resources Division of the Department of Economic Construction in the China's Ministry of Finance.

In its elections, the Council chose Mahmoud Samy, Deputy Assistant Minister of Foreign Affairs of Egypt, as its President for the fifteenth session. The following were elected vice-presidents of the Council: Poland, representing the Eastern European group, Mexico, (Group of Latin American and Caribbean States), Bangladesh (Asian Group) and Canada (Western European and Other States Group).

Three new members were also elected by the Council to serve on the Legal and Technical Commissions as a result of resignations. Zhang Haiqi, Deputy Director of the Department of Geological Investigations of the China Geological Survey, replaced his compatriot, Hongtao Zhang; and Nobuyuki Okamoto, Project Director, Deep-Sea Mineral Exploration and Technology Division at Japan Oil, Gas and Metals National Corporation, replaced Yoshiaki Igarashi. The third expert, Denis Gennadyevich Khramov, Director of the Department of State Policy and Regulation in the Field of Geology and Subsoil Use in the Russian Federation Ministry of Natural Resources and Ecology, replaced Sergey Fyodorov. The new members will serve the remaining three years left of the terms of their predecessors.

Observers

The Assembly approved two requests for observer status to the Authority from the World Wildlife Fund (WWF International), and from the Commonwealth of Nations. The WWF has a general consultative status with the United Nations Economic and Social Council, and is one of the world's largest and most experienced independent conservation organizations with a global network active in more than 100 countries. 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).

Credentials Committee's report

Of the Authority's 158 members, the credentials of 66 were presented at the fifteenth session. The Credentials Committee's report (ISBA/15/A/6) was presented to the Assembly by its Chairman, Katy Chia-Ti Lin (Australia).

The Authority's membership consists of all parties to the 1982 United Nations Convention on the Law of the Sea. The members are listed below, with an asterisk (*) indicating those who participated in the fifteenth session. All parties to the United Nations Law of the Sea Convention are automatically members of the International Seabed Authority.

. Membership and Attendance

Albania, Algeria, Angola*, Antigua and Barbuda, Argentina*, Armenia, Australia*, Austria, Bahamas*, Bahrain, Bangladesh*, Barbados*, Belarus, Belgium*, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil*, Brunei Darussalam, Bulgaria, Burkina Faso*, Cameroon*, Canada*, Cape Verde, Chile*, China*, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire*, Croatia, Cuba*, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Egypt*, Equatorial Guinea, Estonia, European Community*, Fiji*, Finland*, France*, Gabon, Gambia, Georgia, Germany*, Ghana*, Greece, Grenada, Guatemala*, Guinea, Guinea-Bissau, Guyana*, Haiti*, Honduras*, Hungary, Iceland, India*, Indonesia*, Iraq, Ireland, Italy, Jamaica*, Japan*, Jordan*, Kenya*, Kiribati*, Kuwait*, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico*, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique*, Myanmar*, Namibia*, Nauru, Nepal, Netherlands*, New Zealand*, Nicaragua, Nigeria*, Niue, Norway*, Oman*, Pakistan*, Palau, Panama*, Papua New Guinea, Paraguay, Philippines, Poland*, Portugal, Qatar*, Republic of Korea*, Republic of Serbia, Romania*, Russian Federation*, Saint Kitts and Nevis*, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia*, Senegal*, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa*, Spain*, Sri Lanka, Sudan*, Suriname, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Togo*, Tonga, Trinidad & Tobago*, Tunisia, Tuvalu, Uganda*, Ukraine*, United Kingdom of Great

Britain and Northern Ireland*, United Republic of Tanzania*, Uruguay, Vanuatu, Viet Nam*, Yemen*, Zambia*, Zimbabwe.

Observers at the session were Ecuador, Libyan Arab Jamahiriya, United Nations (Division for Ocean Affairs and the Law of the Sea), United States of America and World Wildlife Fund (WWF International). The Commonwealth of Nations was admitted as observer on the last day of the session.

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