SEABED ASSEMBLY BEGINS DEBATE ON ORGANIZATION’S WORK AFTER INTRODUCTION OF SECRETARY-GENERAL’S REPORT

Elects Vice Presidents and Appoints Credentials Committee

The Assembly of the International Seabed Authority, meeting in Kingston, this morning began debate on the work of the organization after the introduction of the Secretary-General’s annual report, election of remaining vice presidents and appointment of members of the credentials committee.

Bangladesh, Uganda and the Czech Republic, representing the Asian, African and Eastern European groups, respectively, were elected vice presidents by consensus. Trinidad and Tobago was elected vice-president for the group of Latin American and Caribbean States on Tuesday, April 27.

Before hearing the report of the Secretary-General, Nii Allotey Odunton (Ghana), the President of the Assembly, Jesús Silva-Fernández (Spain), requested the observance of a minute of silence for the recent passing of the President of Poland, Lech Kaczyński, who died in a plane crash on April 10, 2010; former President of the International Olympic Committee, Juan Antonio Samaranch; and Paul Bamela Engo of the Cameroon, Chairman of the First Committee of the Third United Nations Conference on the Law of the Sea, and member of the International Tribunal of the Law of the Sea since 1996.

Also this morning, a nine-member Credentials Committee was appointed. They are: Australia, China, Haiti, Namibia, Russian Federation, Senegal, Spain, Suriname and Viet Nam. The Committee will present its report to the Assembly on Thursday, May 6.

Report of the Secretary-General

The Secretary-General’s report, (ISBA/16/A/2), submitted under article 166, paragraph 4 of the United Nations Convention on the Law of the Sea, provides a detailed account of the Authority’s work over the past year as well as an overview of the outcomes of its 2008-2010 programme of work.
It also outlines the main trends of the proposed programme of work for 2011-2013 covering such matters as supervision of contracts for exploration and award of new ones; progressive development of the regulatory regime for activities in the Area; promotion and encouragement of marine scientific research in the Area and data base development.

The Secretary-General reported that by February 28, 2010 membership had grown to 160 after Switzerland, the Dominican Republic and Chad became parties to the Convention and the 1994 Agreement in 2009. There are still 22 members of the Authority that have not yet become parties to the Agreement. Mr. Odunton also announced that as at February 28 2010, 20 states and the European Union maintained permanent missions to the Authority in Kingston.

With regard to the status of contributions to the Authority’s budget, the Secretary-General stated that contributions outstanding from member States for prior periods (1998-2008) totalled $314,731. He said that 43 members were in arrears for a period of two years or more.

As at 1 March 2010, the balance of the Working Capital Fund stood at $438,145, exceeding its approved ceiling of $438,000 by $145. At the same date, the balance of the Voluntary Trust Fund stood at $83,913, including accrued interest of $6,574. A total of $255,979 has been paid out of the Fund which was established in 2002 to facilitate the participation of members of the Finance Committee and the Legal and Technical Commission from developing countries.

The report notes that the International Seabed Authority Endowment Fund for Marine Scientific Research in the Area, established in 2006, has to date disbursed $254,312 through six awards for activities that promote capacity-building. A total of 16 scientists from developing countries has received financial support, with the names and nationalities of a further seven yet to be finalized. One award is currently enabling a researcher from Papua New Guinea to pursue studies at Duke University in the United States.

The Fund’s advisory panel has also recommended an award for the participation of two Indian scientists in an investigation of the geology of the Shag Rock Passage on the North Scotia Ridge. During this year, funds will be provided for two scientists from developing countries to participate in a research programme planned by the China Ocean Mineral Resources Research and Development Association in the Indian Ocean.

The Fund promotes and encourages the conduct of marine scientific research in the Area for the benefit of mankind as a whole, particularly by supporting the participation of qualified scientists and technical personnel from developing countries in such research programmes.

The Secretary-General encouraged members of the Authority, other States, relevant international organizations, academic, scientific and technical institutions, philanthropic organizations, corporations, and private persons to contribute to the Endowment Fund.

A number of studies and workshops are planned or envisaged, according to the report. An international workshop will be convened during 2010 to review further a proposal under consideration by the Legal and Technical Commission for the establishment of a network of areas of particular environmental interest in the Clarion-Clipperton fracture zone of the Central Pacific Ocean. The objective of the workshop will be to obtain the best possible scientific and policy advice on the formulation of an environmental management plan at the regional scale for the area.
A preliminary study by a commission is envisaged to look at some of the issues associated with the development of an exploitation code, including relevant experience from offshore oil and gas development, as well as comparisons with fiscal regimes for land-based mining.

It is also planned to convene an expert group meeting to help prepare draft recommendations to the Council and the Assembly on the implementation by the Authority of article 82, paragraph 4 of the Convention on the Law of the Sea. This covers payments or contributions in kind in respect of exploitation of non-living resources of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

The report calls for better cooperation and coordination between international organizations with mandates over activities in the oceans to ensure consistency of approach as well as comprehensive protection of the marine environment within and beyond national jurisdiction. The responsibilities and activities of the Authority should be considered in the broader context of developments within the law of the sea as a whole and the legal regime of the Area should also be fully respected.

It urges the development of clearing-house mechanisms for the exchange of scientific data and information on capacity-building programmes such as the Endowment Fund. Two particular areas that required attention were better standardization of data; and better databases and collaboration between databases.

The Authority’s Central Data Repository is continuously updated. Data is obtained through communication with active researchers and contractors, and regular monitoring of published scientific literature. The seafloor massive sulphide database has been updated and contains data on 680 occurrences, more than doubling the size of the original data set available in the Central Data Repository.

In concluding observations, the report states that the efforts of the current contractors with the Authority were primarily directed at long-term geological and environmental studies, rather than commercially driven research and development. Investment in mining technology in particular remained at a very preliminary stage. “In these circumstances, it appears unlikely that any of the present contractors will move to commercial exploitation of polymetallic nodules in the near future” the report asserts.

On the other hand, it adds that private sector investment in research on and prospecting for marine mineral deposits continued, both in deep seas of national jurisdiction and in the Area, indicating strong interest in seabed minerals as a future source of metals. To further encourage private sector participation in the development of the minerals in the Area, the report suggests consideration of a sector of the mining code related to exploitation of polymetallic nodules. Another effort could be the encouragement of the development of fair and equitable policies and regulations for exploitation of marine minerals both in the Area and in areas under national jurisdiction.

Immediately following the presentation of the report, Trinidad and Tobago, a vice president of both the Assembly and the Council, said Switzerland’s membership of the Authority was significant as it again demonstrated the importance that land-locked states were ascribing to the Authority’s work. She commended the Authority for its continued work in promoting marine scientific research by scientists from developing countries in the Area through financial support from
the Endowment Fund and she hoped scientists from Trinidad and Tobago’s Institute of Marine Affairs would benefit in the near future. Trinidad and Tobago firmly believed that there was no compelling reason for another adjustment now of the scale of assessment of members’ contributions to the Authority’s budget. It also shared the Secretary-General’s concern over the failure of some member States to meet their legal obligations by paying their assessed contributions over an extended period of time.

China said it took a positive approach towards the formulation of the regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area. With regard to the sulphides regulations, it hoped all parties would take a flexible and pragmatic approach to ensure that the text was finalized at the current session. China also hoped that useful experiences would be drawn from the work on the sulphides regulations so as to push the consideration of the crusts text forward smoothly. It believed that the right of coastal states to demilitate the outer limits of the continental shelf in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea should be respected. It called on the Authority to enhance its communication and exchanges with the Commission on the Limits of the Continental Shelf and the International tribunal on the Law of the Sea. The Authority should strike a balance between the interests of coastal states and those of the entire international community so as to safeguard a fair and reasonable world order of the law of the sea.

China announced that it had made a further contribution of $20,000 to the Voluntary Trust Fund at the end of December 2009. On the Endowment Fund for Marine Scientific Research, it had already decided to invite two researchers from developing countries to join its research on seafloor hydrothermal system. Furthermore, Tonji University of China had reached agreement in principle with the Authority to fund 3 to 5 researchers from developing countries to study for master or doctoral degrees in marine science in China. It had also sponsored a short term training course for 10 marine scientists from developing countries.

Australia, speaking on behalf of Canada, Australia and New Zealand (CANZ Group) welcomed the Secretariat’s participation in projects and initiatives to encourage cooperation in ocean activities, such as the Global Ocean Biodiversity Initiative, which aimed to develop new data, tools and methodologies to identify ecologically and biologically significant areas in the oceans. The Group hoped the proposed work programme for 2011-2013 would contribute to greater international cooperation in marine scientific research, and provide the information needed for effective environmental risk assessment of proposed activities in the Area.

The Group supported the proposal for a preliminary study of issues associated with an exploitation code as part of the 2011-13 work programme, adding the study could look to national jurisdictions. They continued to support the finalization of the draft sulphides regulations, and shared the goal of a framework that encouraged their exploration and eventual exploitation.

The representative of Brazil announced that his country, in collaboration with the Authority and other countries, would carry out a training programme focussing on the geology of the South Atlantic Ocean.

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Fiji said the Authority must enhance partnership with other international and regional organizations, civil society, academic, scientific and technical institution and other private institutions to enable it carry out its work effectively. It reiterated its support for the promotion and encouragement of marine scientific research in the Area with effective protection of the marine environment. Welcoming the growing interests in seabed mining by the private sector, its representative said Fiji, like others wishing to explore the possibility of exploiting their undersea resources, looked to the Authority for guidance and support. He urged early finalization of the draft texts on sulphides and cobalt-rich regulations to remove the main problem faced by potential investors in seabed mining.

South Africa expressed concern at the low rate of attendance at annual meetings of the Authority, and expressed the hope that the 22 states that are party to the Convention but not the Agreement will work towards removing the incongruity. South Africa welcomed the acknowledgement by the OSPAR Commission of the Authority’s mandate to regulate deep seabed mining. The representative hoped that the expansive view of the Authority’s mandate, made clear in Article 145 of the Convention, will be reflected in the OSPAR memorandum of understanding.

The United Kingdom noted the importance of the Authority’s work of the past year and its proposed programme of work for the next three. The representative said while commercial considerations would determine which resource should be developed, the Authority must maintain its substantive functions as set out in the Convention.

Congratulating the Secretary-General on his comprehensive report, Cuba expressed pleasure that three new States had become members of the Authority, and that Cuba was now numbered among those States that had ratified the Protocol on Privileges and Immunities and had established permanent missions to the Authority.

The Assembly will resume discussion of the Secretary-General’s report when it meets again on Friday, 30 April at 10 a.m.