The Council of the International Seabed Authority, at its first meeting of the year in Kingston this morning, elected Mr. Tobias Pierlings (Germany) as its President for the nineteenth session. He has been deputy head of the Division for the Law of the Sea in the Federal Ministry of Economics and Technology, since 2011. (See biographical note SB/19/5).

The 36-member Council adopted a 17-item agenda for the session (Provisional version in document ISBA/19/C/L.1*), with the addition of an item 13bis: Report of the Finance Committee.

Following a discussion initiated by the representative of Mexico, it was decided that 13 bis, along with item 14, dealing with cost-recovery measures relating to the administration and supervision of exploration contracts, would be taken up early in the Council’s work, to reflect its importance.

The substantive work of the Council today includes debates on reports of the Secretary-General on the status of exploration contracts (ISBA/19/C/8 and ISBA/19/C/9/Rev.1) and on the status of national legislation pertaining to activities in the Area (ISBA/19/C/12), as well as the Finance Committee report (ISBA/19/A/7 - C/11).

Other matters to be considered over the next three days included the Legal and Technical Commission’s report on its work during the year, and the revised regulations on prospecting and exploration for polymetallic nodules in the Area (ISBA/19/C.WP.1). Additionally, the Council will hear a report from the Interim Director-General of the Enterprise on a proposal for a joint venture operation. Next week, the Secretary-General will report on the development of an exploitation code for polymetallic nodules in the Area.
Four vice-Presidents were elected to serve during the Authority’s nineteenth session: Poland and Brazil will represent the Eastern European and Latin American and Caribbean States Groups, respectively, while the Vice-President for the African Group is Cameroon. The vice-President for the Asian Pacific Group is Japan.

Also elected during this morning’s Council meeting was Víctor Enrique Marzari (Argentina), who will fill the seat in the Legal and Technical Commission left vacant by the resignation of his compatriot Mario Javier Oyarzábal. Mr. Marzari will serve the remainder of the term until December 31, 2016 (ISBA/19/C/10).

Prior to the finalization of the organization of the Council’s work, the representative of Fiji took the floor to point out that four applications for plans of work before the Legal and Technical Commission at this session were still under consideration by the Commission. The representative proposed that the Commission should be given more time to complete its work, while sufficient numbers of its expert membership were present to represent a quorum, before reporting to the Council. In light of the growing interest worldwide in the Authority’s work, he said, the Council needed to consider the capacity of the Commission to deal with the work before it. The United Kingdom and the Russian Federation representatives endorsed this position.

Chile’s representative raised no objection to the proposal in principle but expressed concern that the Chilean member of the Commission had already left the island. Other members, including Argentina, Brazil and Cameroon, while agreeing that the Commission had a heavy burden of work, expressed similar concerns: they were of the view that the Council should hear officially from the Commission’s Chairman before taking a decision on whether to allow the expert body to complete its work. Trinidad and Tobago pointed to the need to adhere to the rules governing the Commission’s meetings, namely whether the absence of members would be a legal impediment.

The Legal Counsel explained that with regard to the rules of procedure, the Council has the jurisdiction to convene a meeting of the Commission. He also pointed out that 13 of the Commission’s 25 members would constitute a quorum. In practical terms, there was only one team of interpreters who would have to be diverted to the Legal and Technical Commission meetings, thus ruling out any possibility of parallel meetings with the Council.

Having heard concerns of delegations and the intervention of the Legal Counsel, the representative of Fiji withdrew his motion but reiterated that more time would have to be allotted to the Commission for its work.

**Report on status of exploration contracts**

The Secretary-General began his presentation on the status of exploration contracts contained in his report (ISBA/19/C/8). As at 29 April 2013, the Authority had concluded 12 contracts for exploration for polymetallic nodules and two for exploration of polymetallic sulphides, including eight which were signed between 2001 and 2010. The report also includes information on contracts which follow the approval of nine plans of work by the Council,
recommended by the Legal and Technical Commission during the Authority’s seventeenth and eighteenth sessions. Details of the contractors and signing dates are contained in the report.

Three of the contracts approved in 2012 still remained to be signed; these were the contract with the Republic of Korea, Institut Francais de Recherche pour l’Exploitation de la Mer (IFREMER) and Marawa Research and Exploration Ltd of Kiribati. He advised that all three contracts would be signed before the end of the year.

With regard to the five-year periodic review of existing contracts for exploration for polymetallic nodules (ISBA/19/C/9/Rev.1), the Secretary-General stated that bilateral discussions had been held with each contractor to convey the concerns expressed by the Legal and Technical Commission and the Council. He added that those discussions provided an opportunity for valuable engagement with the contractors. Periodic reviews had been completed with all contractors entering the final five-year period of the exploration contracts with the exception of the government of India.

The Secretary-General reported that while the quality of information provided by contractors in annual reports had improved considerably, there were still gaps in information. He explained that there were standard clauses in each contract referring to material to be submitted upon expiration of a contract especially with regard to minable areas, taking into account topography, grade and abundance of ore, and the technology proposed for mining. This type of data should be made available to the Legal and Technical Commission and would represent a good body of work for the Authority to provide for future investors, should the contractor decide against moving forward to the exploitation stage. The Secretary-General regretted that at least one contractor had not provided any technical information of this nature.

The Secretary-General reported that one workshop had taken place in Germany on biodiversity and fauna associated with polymetallic nodules and it was clear that many contractors’ scientists needed additional training on taxonomy. There were plans to conduct two more workshops.

Members, including the representatives of the United Kingdom and Mexico, urged the Secretary-General to continue all efforts to ensure contractors’ compliance and to ensure that data provided by contractors may be analysed and standardized to facilitate future research. Brazil’s representative expressed concern at the reference to the little sense of urgency despite the relatively short time left on contracts. The representative of Cameroon was concerned that after 15 years the Authority might find itself in a “situation of deadlock” when many hopes were pinned on contracts that would come to maturity. Brazil expressed the view that the Council should take a decision to adopt some kind of standardization criteria in examining any requests for contract extension.

The representative of Argentina suggested that members of the Authority should be able to participate in meetings with contractors, while Chile’s representative suggested that applications for exploration contracts should be circulated to all members.

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In his response, the Secretary-General stated that all members were welcome to attend workshops, except those specifically geared towards technical personnel. He further stated that all contractors’ applications were confidential and the procedures followed by the Secretariat were in keeping with the mandate of the Convention. General information about applications, he explained, was shared via the Authority’s website.

The Council will meet this afternoon to take up agenda item 9, relating to the status of national legislation on deep seabed mining in the Area.

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