

Selected Decisions and Documents of the Eleventh Session



(inside front cover)



SELECTED DECISIONS AND DOCUMENTS OF THE ELEVENTH SESSION

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**Report of the Secretary-General of the International
Seabed Authority under article 166, paragraph 4, of the
United Nations Convention on the Law of the Sea**

Date: 13 July 2005

I. INTRODUCTION

1. The present report of the Secretary-General of the International Seabed Authority is submitted to the Assembly of the Authority under article 166, paragraph 4, of the 1982 United Nations Convention on the Law of the Sea (“the Convention”). It provides an account of the work of the Authority since the tenth session as well as a discussion of current issues relevant to the work of the Authority and certain aspects of the 2005-2007 work programme of the Authority.

II. MEMBERSHIP OF THE AUTHORITY

2. In accordance with article 156, paragraph 2, of the Convention, all States parties to the Convention are ipso facto members of the Authority. As at 30 June 2005, 147 States and the European Community were parties to the Convention and therefore members of the Authority.¹

3. The Convention and the Agreement relating to the implementation of part XI of the Convention (“the 1994 Agreement”) adopted on 28 July 1994 by the General Assembly of the United Nations² together contain the regime for the administration of the deep seabed and its resources. As at 30 June 2005, the following 27 members of the Authority who became parties to the Convention prior to the adoption of the 1994 Agreement have not yet become parties to the 1994 Agreement: Angola, Antigua and Barbuda, Bahrain, Bosnia and Herzegovina, Brazil, Cape Verde, the Comoros, the Democratic Republic of the Congo, Djibouti, Dominica, Egypt, the Gambia, Ghana, Guinea-Bissau, Guyana, Iraq, Mali, the Marshall Islands, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Somalia, the Sudan, Uruguay, Viet Nam and Yemen. As requested by the Assembly, each year since 1998, the Secretary-General has written to all members listed above urging them to consider becoming parties to the 1994 Agreement. This is an important matter for these States, as their becoming parties to the 1994 Agreement would put all members of the Authority in the same position with respect to the current regime for the deep seabed and its resources, which governs the activities of the Authority.

III. PERMANENT REPRESENTATIVES TO THE AUTHORITY

4. As at 30 June 2005, Argentina, Belgium, Brazil, Cameroon, Chile, China, Costa Rica, Cuba, France, Gabon, Germany, Haiti, Honduras, Italy, Jamaica, Mexico, Saint Kitts and Nevis, South Africa and Trinidad and Tobago had established permanent missions to the Authority.

IV. SESSIONS OF THE AUTHORITY

A. The tenth regular annual session

5. The tenth session of the Authority was held from 24 May to 4 June 2004. Mr. Dennis Francis (Trinidad and Tobago) was elected President of the Assembly for the tenth session. Mr. Baïdy Diène (Senegal) was elected President of the Council.

6. The work of the Assembly during the tenth session included a debate on the annual report of the Secretary-General, the adoption of the budget of the Authority for the financial period 2005-2006, the election of one half of the members³ of the 36-member Council in accordance with article

161, paragraph 3, of the Convention, and the election of Mr. Satya N. Nandan to serve as the Secretary-General of the Authority for a further four-year term.

7. A special commemorative sitting was held by the Assembly during its tenth session to honour the memory of Mr. Helmut Beiersdorf, former Director-General of the Federal Institute for Geosciences and Natural Resources in Hanover, Germany and a member of the Legal and Technical Commission since 1998. Mr. Beiersdorf, who had been attending the tenth session of the Authority, died in a boating accident on 30 May 2004. Tributes were paid by the President of the Assembly, the Secretary-General, representatives of the five regional groups, members of the Legal and Technical Commission, and other members of the Assembly.

8. The Council received the report of the Chairman of the Legal and Technical Commission during the tenth session.⁴ Among the tasks accomplished by the Commission, the Council took particular note of the fact that the Commission had undertaken a further, more detailed, discussion of issues related to deep seabed biodiversity. The Council also expressed its support for the work of the Commission in protecting the marine environment and managing the biological resources of the world's oceans.⁵

9. Prior to the conclusion of the tenth session, the Council also had an opportunity to give preliminary consideration to the provisions of the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the Area.⁶

B. The commemorative session

10. The year 2004 marked the tenth anniversary of the establishment of the International Seabed Authority, which came into existence upon the entry into force of the Convention on 16 November 1994. The Authority celebrated this event on 25 and 26 May by holding a two-day commemorative session. The commemorative session was marked by the addresses given by the President of the Assembly, the Secretary-General of the Authority, the Prime Minister of Jamaica, the Secretary-General of the United Nations through the Acting Legal Counsel, the President of the International Tribunal for the Law of the Sea and the Chairman of the Preparatory Commission for the International Seabed Authority and the International Tribunal for the Law of the Sea (the Preparatory Commission). Messages were also received from the President of the Third United Nations Conference on the Law of the Sea (UNCLOS III) and the First Chairman of the Preparatory Commission and statements were made by the Chairmen of the five regional groups. Two panel discussions were held on the achievements of the Authority in its first 10 years and on its future directions. This was followed by scientific presentations on the various mineral resources of the Area and the marine environment in which they are found. The proceedings of the commemorative session have now been published.⁷

V. RELATIONS WITH THE HOST COUNTRY

11. During the tenth session, the Finance Committee examined the Supplementary Agreement between the International Seabed Authority and the Government of Jamaica regarding the headquarters of the Authority and the use of Jamaica Conference Centre,⁸ and decided to recommend it to the Council and the Assembly for approval. It was noted that, in accordance with its article 19, the Supplementary Agreement had been applied provisionally since its signature by both parties on 17 December 2003. At its 91st meeting, on 31 May 2004, the Council considered the recommendation of the finance Committee on the Supplementary Agreement, and recommended that the Assembly approve the Supplementary Agreement.⁹ Subsequently, at its 95th meeting, on 2 June 2004, the Assembly approved the Supplementary Agreement.¹⁰

12. In accordance with article 19 of the Supplementary Agreement, the entry into force of the Agreement requires approval by both the Assembly of the Authority and the Government of Jamaica. Since, for the Government of Jamaica, approval of the Agreement became effective upon

signature, the Supplementary Agreement entered into force on 2 June 2004, being the date of its approval by the Assembly.

VI. PROTOCOL ON PRIVILEGES AND IMMUNITIES

13. The Secretary-General is pleased to report that since the entry into force of the Protocol on Privileges and Immunities of the Authority on 31 May 2003, five more members of Authority have acceded to the Protocol. These are: Austria, Oman, Denmark, Mauritius and Chile.¹¹ As at 30 June 2005, the parties to the Protocol were: Austria, Cameroon, Chile, Croatia, the Czech Republic, Denmark, Egypt, Jamaica, Mauritius, the Netherlands, Nigeria, Oman, Slovakia, Spain and the United Kingdom of Great Britain and Northern Ireland.¹² The Secretary-General urges other members of the Authority to give consideration to early ratification of or accession to the Protocol which, inter alia, provides essential protection to representatives of members of the Authority who attend meetings of the Authority or who travel to or from those meetings.

VII. RELATIONS WITH THE UNITED NATIONS AND OTHER BODIES

A. Oceans and Coastal Areas Network (UN-Oceans)

14. In 2003, the United Nations General Assembly agreed to the establishment of a new inter-agency coordination mechanism, the Oceans and Coastal Areas Network (UN-Oceans).¹³ The objective of UN-Oceans is to enhance cooperation and coordination among the secretariats of the international organizations and bodies concerned with ocean-related activities, in particular by coordinating and harmonizing the activities of the agencies related to oceans; reviewing programmes and activities and identifying issues needing to be addressed, with a view to updating and enriching the relationship between the Convention and Agenda 21; ensuring integrated ocean management at the international level; and undertaking joint activities to address emerging challenges and issues like global marine environmental assessment, regional ocean governance and the development of guidelines for the application of the ecosystem approach.

15. The first meeting of UN-Oceans was held in Paris at the headquarters of the Intergovernmental Oceanographic Commission (IOC) of the United Nations Educational, Scientific and Cultural Organization (UNESCO) from 25 to 29 January 2005. It was attended by representatives from the secretariat of the Convention on Biological Diversity, the Food and Agriculture Organization of the United Nations (FAO), the International Atomic Energy Agency (IAEA), the International Maritime Organization (IMO), IOC, the International Seabed Authority, the Department of Economic and Social Affairs and the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat, the United Nations Development Programme (UNDP), the Coordination Office of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, the World Meteorological Organization (WMO) and the World Bank. A second meeting of UN-Oceans was held in New York in May 2005 preceding the sixth meeting of the United Nations Informal Consultative Process on the Law of the Sea.

B. United Nations Office of Legal Affairs/Division for Ocean Affairs and the Law of the Sea

16. The Authority maintained its close relationship with the Division of Ocean Affairs and the Law of the Sea of the Office of Legal Affairs. That cooperation resulted in two joint publications: *Proceedings of the twentieth anniversary commemoration of the opening for signature of the United Nations Convention on the Law of the Sea and Marine Mineral Resources: Scientific Advances and Economic Perspectives*.¹⁴

VIII. SECRETARIAT

17. As indicated in the two previous reports of the Secretary-General to the Assembly of the Authority (ISBA/9/A/3 and ISBA/10/A/3) there is a need for a significant strengthening of the technical capabilities of the secretariat due to the increasingly technical and scientific needs of the Authority. In the past year a Geographic Information Systems Officer (P-3), a Marine Geologist (P-4) and a Geostatistician (P-3) have been recruited. In addition, a Senior Security Officer (P-2) was recruited to replace the previous incumbent who reached the mandatory retirement age. All four vacancies were publicly announced on the website of the Authority.

IX. BUDGET AND FINANCE

A. Budget

18. For the financial period 2005 and 2006, the Assembly of the Authority adopted a budget of \$10,800,000.¹⁵ While this indicates a nominal average increase of 1.45 per cent for each year of the financial period in relation to the previous period, when inflationary factors are considered it represents another budgetary decrease in real terms.

19. For the financial period 2003-2004, the Authority expended 99 per cent of the contributions received. These totalled \$10,002,662 and represented 94 per cent of total assessed contributions. There remained a cumulative surplus for the period of \$114,816, which represented just 1 per cent of the available income.

B. Status of contributions

20. In accordance with the Convention and the 1994 Agreement, the administrative expenses of the Authority shall be met by assessed contributions of its members until the Authority has sufficient funds from other sources to meet those expenses. The scale of assessments shall be based upon the scale used for the regular budget of the United Nations, adjusted for differences in membership. As at 30 June 2005, 66 per cent of the value of contributions due from member States and the European Community to the 2005 budget had been received from 30 per cent of the Authority's membership. The balance of the Working Capital Fund was \$437,588, which is 99 per cent of its approved ceiling (\$438,000). Contributions outstanding from member States for prior periods (1998 to 2003 and 2004) totalled \$447,193. Notices are regularly sent to member States reminding them of the arrears.

21. In accordance with article 184 of the Convention and rule 80 of the Rules of Procedure of the Assembly, a member of the Authority that is in arrears in the payment of its financial contribution to the Authority shall have no vote if the amount of its arrears equals or exceeds the amount of financial contribution due from it for the preceding two years. As at 30 June 2005, 37 members of the Authority were in arrears for a period of two years or more. They were: Antigua and Barbuda, Bahrain, Benin, Bolivia, Cape Verde, Comoros, Cook Islands, Côte d'Ivoire, the Democratic Republic of the Congo, Dominica, Egypt, Equatorial Guinea, Gabon, Gambia, Georgia, Grenada, Guinea, Guinea-Bissau, Iraq, Luxembourg, Mali, Mauritania, Mongolia, Panama, Paraguay, Sao Tome and Principe, Seychelles, Solomon Islands, Somalia, Suriname, Togo, Uganda, Uruguay, Vanuatu, Serbia and Montenegro, Zambia and Zimbabwe.

C. Voluntary trust fund

22. The question of modalities for enhancing the participation of members from developing countries in the meetings of the Legal and Technical Commission and the Finance Committee was again discussed by the Finance Committee during the tenth session. The Finance Committee expressed appreciation for the assistance provided through the voluntary trust fund, which was established in 2002 following a request by the Assembly, and recommended that a strong appeal be made to members of the Authority to contribute. Notes verbale were subsequently sent to members of the Authority seeking contributions to the voluntary fund.

23. The Finance Committee also noted the balance of the previously authorized advance made to the voluntary trust fund and made a recommendation to the Assembly, through the Council, that a further \$10,000 be authorized in 2005, to the extent necessary, from interest from the Pioneer Investor Fund held by the Authority for the operation of the voluntary trust fund. The Assembly approved that recommendation. The Finance Committee decided to defer any recommendations on future funding of the voluntary trust fund until its next meeting in 2005.

24. As at 30 June 2005, the balance of the voluntary trust fund stood at \$71,387 made up as follows:

Source	United States dollars
Income from contributions ^a	37 800
Interest	698
Advance from the Pioneer Investor Fund	75 000
Balance	71 387

^a Angola \$300; Namibia \$1,300; Norway \$25,000; Oman \$10,000; Indonesia \$1,000; Dr. Y. Kazmin \$200.

Expenditure from the fund of \$42,111 was incurred in providing assistance to eligible participants in the meetings of the Finance Committee and the Legal and Technical Commission during the tenth session.

X. LIBRARY, PUBLICATIONS AND WEBSITE

25. The library manages the Authority's specialized collection of reference and research materials focusing on matters relating to the law of the sea and deep seabed mining. The objective is to provide a comprehensive collection of reference materials on relevant subject matters. The library serves the needs of Members of the Authority, permanent missions and researchers interested in the law of the sea and ocean affairs. It also provides essential reference and research assistance to the staff of the Secretariat. In addition, the library is responsible for the archiving and distribution of the official documents of the Authority and assists with the publication programme.

26. The regular publications of the Authority include an annual compendium of selected decisions and documents of the Authority (published in English, French and Spanish) and a handbook containing details of the membership of the Assembly and the Council, the names and addresses of permanent representatives and the names of the members of the Legal and Technical Commission and the Finance Committee. Additional publications produced in 2005 were:

(a) Marine mineral resources: scientific advances and economic perspectives (in collaboration with the Division for Ocean Affairs and the Law of the Sea);

(b) Prospects for international collaboration in marine environmental research to enhance understanding in the deep sea environment: proceedings of the workshop of the International Seabed Authority, 29 July to 2 August 2002, Kingston, Jamaica;

(c) Proceedings of the tenth anniversary commemoration of the establishment of the International Seabed Authority;

(d) Proceedings of the twentieth anniversary commemoration of the opening for signature of the United Nations Convention of the Law of the Sea (a joint publication with the Division for Ocean Affairs and the Law of the Sea);

(e) Establishment of a geological model of polymetallic nodule deposits in the Clarion-Clipperton fracture zone of the equatorial north Pacific Ocean: proceedings of the workshop of the International Seabed Authority, 13 to 20 May 2003, Nadi, Fiji.

A complete list of all the current publications issued by the Authority may be found on the Authority's website, <http://www.isa.org.jm>.

27. During the period under review, in addition to the continued requests for publications and documents of the Authority, requests were also processed for information on a number of subject areas related to the Authority's activities, including international regime for the exploration and exploitation of the seabed; transfer of seabed technology to developing countries; protection of the marine environment from the seabed activities; history of negotiations on the mining code; and the role of the Authority. The requests came from individuals and a variety of academic and research institutions, including Cardiff Law School, Cardiff University, United Kingdom; International Global Change Institute, University of Waikato, New Zealand; the Ministry of Basic Industry of Cuba; Integrated Coastal and Marine Area Management, India; Faculty of Law, Utrecht University, the Netherlands; Congressional Research Service; Library of Congress, the United States of America; Panteios University at Law of the Sea, Greece; Mediterranean Academy of Diplomatic Studies, University of Malta; and academic institutions in Brazil.

28. The library's acquisition programme continued to build a comprehensive collection of reference materials and to strengthen the specialized research capability of the existing collection. During the reporting period, approximately 150 books, CD-ROMs, and over 400 journal issues were acquired. This includes donations from individuals as well as from institutions and libraries, including from the Division for Ocean Affairs and the Law of the Sea and the International Tribunal for the Law of the Sea. The Secretary-General expresses his appreciation to all donors for their valuable contributions to the library.

29. The Authority's website contains essential information on the activities of the Authority, primarily in English, French and Spanish. The texts of all the official documents and decisions of the organs of the Authority are available in the six official United Nations languages. The press releases are available in English and French only. The Authority's workshop reports, technical reports and joint publications are also published electronically in a downloadable format to provide ready access for members of the Authority.

XI. SUBSTANTIVE WORK OF THE AUTHORITY

A. Contracts for exploration for polymetallic nodules

30. At its meeting during the tenth session, the Legal and Technical Commission considered and evaluated the third set of annual reports submitted by contractors pursuant to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area ("the Polymetallic Nodule Regulations"). Annual reports were received from all the seven contractors, namely, Deep Ocean Resources Development Ltd. (DORD), the Government of the Republic of Korea, China Ocean Mineral Resources Research and Development Association (COMRA), State Enterprise Yuzhmoregeologiya (Russian Federation), Interoceanmetal Joint Organization (IOM), l'Institut français de recherche pour l'exploitation de la mer/l'Association française pour l'étude et la

recherche des nodules (IFREMER) and the Government of India. COMRA, the Government of the Republic of Korea and State Enterprise Yuzhmoregeologiya also submitted additional data and information which were not contained in their annual reports for 2002.

31. The Commission noted with appreciation that, in comparison with the two previous sets of annual reports for 2001 and 2002, most of the contractors followed the format and structure for annual reports recommended by the Commission during the eighth session (ISBA/8/LTC/2) and submitted data and information as required under the contracts for exploration. However, the Commission also noted that in the annual reports of certain contractors important data and information were not included, especially the financial statements, and recommended that the contractors be requested to submit this data and information as soon as possible. The report and recommendations of the Commission on the evaluation of the annual reports of the contractors are contained in document ISBA/10/LTC/3.

32. As of 30 May 2005, annual reports had been received from all seven contractors.

B. Prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts deposits in the Area

33. During the tenth session, the Legal and Technical Commission considered the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area, as contained in document ISBA/10/LTC/WP.1, dated 30 January 2004. The Commission also had the benefit of advice from three internationally renowned experts, Dr. James R. Hein,¹⁶ Dr. Peter Herzig¹⁷ and Dr. Kim Juniper.¹⁸ The experts had reviewed the draft regulations and participated in the discussions of the Commission during the first week of its meetings.

34. The Commission reviewed the draft regulations, which were based on the existing Polymetallic Nodule Regulations and the model clauses developed by the secretariat in 2001,¹⁹ together with the elements that had emerged from the discussions in the Commission during 2002 and 2003. Intensive discussions followed on key issues concerning the definition of exploration blocks, size of the area for exploration, relinquishment and participation by the Authority. Based on these discussions, the Commission considered that, despite the differences in geometry and dimensions of the two types of deposits, estimations of the likely mineable ore indicated that the total exploration area should be the same for each deposit. Accordingly, the Commission proposed an exploration area for both resources of 10,000 square kilometres, consisting of 100 contiguous blocks, each of approximately 10 by 10 kilometres. For each resource, this would provide the potential for locating a mineable area with at least 40 million tons of ore capable of sustaining a mining operation for 20 years. It was further recognized that the likelihood of large areas of poor resources within an exploration area would suggest that a high relinquishment percentage is appropriate.²⁰ In arriving at the system, account was taken of the fact that the Authority has a duty to administer the Area and its resources prudently and responsibly and therefore the system adopted should not allow for “high-grading” or “cherry-picking” of widely dispersed choice sites in different geographic regions leaving behind average deposits that may not be of interest to potential applicants. This would be a wasteful way of administering the resources of the Area and would be contrary to the provisions of article 150 (b) of the Convention. While the draft provides for the contiguity of blocks, before relinquishment, it is nevertheless flexible in recognizing that an applicant may retain, after relinquishment, several sites (clusters of blocks), which might not necessarily be contiguous.

35. The Commission completed its deliberations on the draft regulations on the general understanding that, as far as practicable, the new regulations should follow the framework of the Polymetallic Nodule Regulations and be in conformity with the provisions of the Convention and the 1994 Agreement.

36. At its 93rd meeting, on 2 June 2004, the Council took up the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts contained in document ISBA/10/C/WP.1. Most members expressed the need for time to study the

text prepared by the Legal and Technical Commission and to consult with their Governments. It was therefore not possible to discuss the details of individual provisions. Concerns were, however, raised regarding the responsibility of contractors for serious harm to the environment. One member of the Council noted that small coastal States might not be able to monitor sufficiently the environmental effects of prospecting or exploration by contractors within its proximity. Some members questioned the proposed size of blocks and the requirement for contiguity of such blocks. The Council also recognized the need to monitor the market for the deposits and techniques for mining given technological changes. Furthermore, it was recognized that the two resources, polymetallic sulphides and cobalt-rich ferromanganese crusts, were fundamentally different resources and as a consequence different provisions were required to regulate each. The secretariat informed the Council that explanatory notes would be provided on some of the technical issues in the draft regulations to enable delegations to better understand the proposed regulations in preparation for its consideration at the eleventh session.²¹

C. The protection of marine environment and biodiversity in the Area

37. Under article 145 of the United Nations Convention on the Law of the Sea, the Authority has a role in ensuring the protection and preservation of the marine environment from harmful effects that may arise from activities in the Area. Furthermore, article 165, paragraph 2 (e), of the Convention requires the Legal and Technical Commission to make recommendations to the Council on the protection of the marine environment, taking into account the views of recognized experts in that field. To address these requirements the Commission devoted 9 out of 43 regulations of the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts to the protection and preservation of the marine environment. The Commission also included in these nine regulations a new regulation 5 which requires, inter alia, that prospectors shall “cooperate with the Authority in the establishment and implementation of programmes for monitoring and evaluating the potential impacts of the exploration and exploitation of polymetallic sulphides and cobalt crusts on the marine environment”. To assist the Commission in preparing guidelines for use by potential contractors in the establishment of environmental baselines and an associated monitoring programme, the Authority convened its seventh workshop in Kingston, Jamaica, in September 2004.

38. The objectives of the workshop were to determine what was currently known about the marine environment where these deposits are to be found, what needs to be measured to monitor impacts on the environment as a consequence of mining activity, and the nature and frequency of measurements.²² The workshop was also expected to design a monitoring programme to be carried out during exploration and test mining of these resources and to determine any potential collaboration with researching institutions to reduce costs for future contractors. The results of the workshop, in the form of proposed guidelines for establishing environmental baselines and for subsequent environmental monitoring are to be submitted to the Legal and Technical Commission during the eleventh session (see ISBA/11/LTC/WP.1). Forty participants from 18 countries²³ attended the workshop. The proceedings of the workshop, which contain the papers, presentations, discussions following the presentations as well as the proposed guidelines are being published and will be available for all members of the Authority.

39. To facilitate the development of the guidelines, the workshop divided itself into three working groups. One of the working groups, chaired by Dr. Andreas Thurnherr, considered the chemical and physical baseline requirements for both resources. The second working group, chaired by Professor Cindy Lee Van Dover, considered the biological baseline requirements for polymetallic sulphides, and the third working group, chaired by Dr. Anthony Koslow, considered the biological baseline requirements for cobalt-rich crusts. Unfortunately, although the workshop was scheduled to be held from 6 to 10 September 2004, the threat posed by Hurricane Ivan meant that it ended on 9 September 2004 and consequently the working groups were unable to complete their work. On 16 and 17 June 2005, the chairs of the working groups together with a representative of Nautilus Minerals Ltd. met in New York to review the recommendations of the workshop, as well as some of

the results of Nautilus Minerals Ltd.'s geophysics programme in the Eastern Manus Basin of Papua New Guinea.

40. It will be recalled that in 1997, Nautilus Minerals Ltd. was granted an exploration licence by the Government of Papua New Guinea to explore for and mine seafloor polymetallic sulphides deposits in its national waters. According to the information provided by Nautilus Minerals Ltd., the exploration licence covered a seabed area of 15,000 square kilometres. Earlier this year, Placer Dome, a gold mining company based in Vancouver, Canada, agreed to finance an exploration programme for these deposits. The general exploration plan is to gather data on the mineral resources and to establish environmental baseline parameters. The initial \$3 million funding by Placer Dome was utilized in applying geophysical methods to locate deposits of sulphides at depths of 1,800 metres and to initiate the engineering for trial mining. A concurrent environmental study is to assess the volcanic structures and other features for the unusual ecosystems that congregate around these sources of heated water on the seabed. The experience of exploration activities in national areas is of interest to the Authority in light of the similar deposits of similar mineral resources in the Area.

41. On 27 May 2004, an open session of the Legal and Technical Commission was held to discuss issues relating to biodiversity in the Area. The purpose of the open session, as agreed by the Commission at its preliminary discussion of the issue during the ninth session, was to gather information and improve understanding of seabed biodiversity, the management and legal status of the living marine organisms in the Area. Ms. Frida Armas Pfirter (Argentina) presented a paper on the legal implications related to the management of seabed living resources in the Area. The discussions revealed a need to address relevant issues, taking into account the work of other organizations.

D. Information and data relating to the international seabed area

42. As outlined in the Secretary-General's annual report to the tenth session of the Authority, one of the substantive tasks to be undertaken by the Secretariat during the three-year period 2005-2007 is to continue to develop the Central Data Repository. The Repository will facilitate the dissemination of the results of marine scientific research relevant to the future commercialization of deposits of polymetallic nodules, cobalt-rich ferromanganese crusts, seafloor massive sulphides and gas hydrates. The website of the Authority will provide members of the Authority, the scientific community, prospectors and potential applicants for plans of work for exploration with relevant information on:

- (a) Types of deposits, geographical location, the metal content of the items of commercial interest and any information on baseline environmental conditions, including biota;
- (b) A bibliographic database and recommendations for general reading;
- (c) A synthesis of research carried out on each mineral;
- (d) Lists of related projects and associated researchers;
- (e) Links to the websites of other institutions working on related subjects.

43. A prerequisite for this development is a reliable and efficient information technology (IT) foundation. Accordingly, the secretariat has upgraded its IT infrastructure and system architecture and migrated to a more current operating environment. In this regard the following tasks have been undertaken and completed by the Secretariat:

- (a) The design, establishment and equipping of a self-contained specific purpose computer room with appropriate electrical protection and automatic fire suppression systems to house the servers and the networking hardware;
- (b) The redesign of the network topology with an upgrade of the cabling system to Category 6, vertical and horizontal cable management and intelligent network devices;

(c) The restructuring of the overall architecture with the isolation of publicly accessible data in a demilitarized zone (DMZ), and the dedication of entry-level servers to key functions and applications, such as the domain controllers, web server, mail server, anti-virus server, firewall, database server and map server;

(d) The establishment of a fully fledged firewall to provide “policy-based” access, control and management of internetworking. It integrates both firewall functions and a caching server to accelerate Internet access and Internet publishing.

44. These structural and architectural changes were completed with the following additional features, aimed at improving user services:

(a) A wireless access facility, with two access points (in the library and in the briefing room of the first floor), for the convenience of delegates and other users of the briefing room during the meetings;

(b) A virtual private network to allow remote access to the Intranet for authorized persons; and

(c) Web mail to allow access to the corporate electronic mail system from the Internet.

45. To complement the above upgrade of the Authority’s IT infrastructure, the secretariat also migrated the operating system from the obsolete Microsoft Windows NT/98 environments to a more advanced configuration by standardizing its servers to Windows Server 2003 and its workstations to Windows XP. The main applications were also upgraded to more current versions. In this regard, the electronic mail system was upgraded from exchange server 5.5 to exchange server 2003, the web server was upgraded from Microsoft Internet Server IV to Microsoft Internet Server VI, and the desktop applications were upgraded from Office 2000 to Office 2003. The result is a more reliable, stable and secure system. Out of the major applications, only the CDR is still on a Windows NT platform, and work is under way to upgrade its environment and to provide additional features.

E. Resource assessment and geologic model for the Clarion-Clipperton fracture zone

46. Following the Secretary-General’s report to the tenth session of the Assembly on the work of the Authority, a number of positive developments have taken place with regard to the project to establish a geological model and prospectors guide of polymetallic nodule deposits in the Clarion-Clipperton fracture zone (CCZ) in the Pacific Ocean. It will be recalled that the Authority’s workshop held at Nadi, Fiji, produced a number of recommendations on what the model should cover and how the work should proceed. The workshop also recommended a work programme leading to the establishment of a reliable geological model of polymetallic nodule deposits in the CCZ within three or four years.

1. Meeting with contractors 2003

47. In keeping with the workshop’s recommendation regarding data acquisition, the Secretary-General convened a meeting with contractors in New York on 20 and 21 November 2003 to discuss additional grade and abundance data that could be made available by contractors, proxy data that they held and which they could make available for the project, and the extent of their participation in the development of the model. During the meeting, the Secretary-General stressed the importance of this project as a means of facilitating better knowledge of polymetallic nodule resources in the CCZ. He assured contractors that any data provided for the development of the model would be kept confidential. The six contractors whose exploration areas are located in the CCZ agreed to the use of their bathymetric data, specifically the bathymetric maps they had submitted with their applications for allocation of pioneer areas and the additional bathymetric data that they acquired following the allocation of these areas, whether in relinquished areas or in exploration areas. With the exception of available manganese/iron ratio data, the contractors did not agree to authorize the Authority to make use of nodule abundance and metal content data from their contract areas.

2. Report to the Legal and Technical Commission

48. During the tenth session in 2004, the Legal and Technical Commission was provided with a report containing a summary of the meeting and the status of the development of the geological model for the CCZ.²⁴ The report also included information on the future activities to be carried out by the secretariat in relation to the development of the model. The Commission noted the contents of the report and sought clarification on the procedures to be utilized by the secretariat in facilitating the development of the model and the future direction of the project. The Commission was of the view that a more detailed plan of work should be presented by the secretariat, and also requested that the members of the Commission should be kept informed during the intersessional period.

3. Meeting of technical experts

49. From 6 to 10 December 2004, a meeting of a group of technical experts was convened by the Authority to outline the scope of the work that would be involved, ascertain the availability of data on selected proxies, schedule the work required to gather, evaluate and incorporate suitable data sets into the model through mathematical algorithms and produce the first iterations of the geological model and draft of the prospector's guide. Taking into account the results of the Fiji workshop, the group of technical experts identified the approach that it would use to create the model, and specified which proxy data would be tested for use in predicting nodule grade and abundance.

50. It was agreed that the primary outputs from the project will be a geological model of polymetallic nodule deposits in the CCZ and a prospector's guide containing a narrative description of the key factors relevant to exploration for polymetallic nodules in the CCZ, including data and available information on known deposits. It was also agreed that the geological model will be developed using available data (proxies) with defined and readily testable quantitative links to the abundance and grade of polymetallic nodules in the CCZ. An iterative, statistically based approach will be used to construct the model.

51. As currently envisioned, the geological model of the polymetallic nodule deposits in the CCZ will consist of a set of digital and hard copy maps and tables describing predicted ore grade and abundance and associated error estimates as well as complete documentation that describes testing procedures for the model and all algorithms used in producing the final model results. No undisclosed or proprietary algorithms will be used in the model. In this way, the model can be subject to peer review in the short-term and can also be updated when better data or better algorithms become available. Part of the procedure for model development is that when a specific data set (which may include one or more candidate proxy variables) and associated mathematical algorithms are proposed for inclusion as a proxy for abundance and/or grade, it will be calibrated with one subset of the available nodule grade and abundance data and then tested with another subset. The results of the testing will be made available to all participants in the model's development and then, if appropriate, the algorithm can be modified and tested repeatedly until the specific data set is either included or excluded from the resulting model.

52. The prospectors' guide will include an examination of all the proxy data types identified as being important indicators of grade and abundance, the selected data sets that are used in the geological model, the complete documentation on model testing and all algorithms used to produce the final model results. The guide will also provide data and information on all known nodule deposits in the CCZ with a focus on the high-resolution characterization of specific deposit sites.

53. The group of technical experts recommended that while the model and guide are being developed, the secretariat should:

- (a) Maintain an Internet site (ftp or http) that can be used by project participants to facilitate the timely and efficient exchange of data sets and draft reports;
- (b) Provide periodic status reports to the Legal and Technical Commission, including written status reports and summary data sets on the Authority's Central Data Repository for

browsing by members of the Commission, as well as for occasional oral presentations by expert group members to the Commission.

54. The group also requested a meeting with representatives of contractors within the first two months of the project's initiation to establish the nature and extent of the data and information that would be provided by contractors and the schedule of delivery, as well as to ascertain the involvement of contractors in establishing the geological model and prospector's guide. Accordingly, such a meeting was convened by the secretariat from 25 to 27 May 2005 in Kingston, Jamaica.

4. Meeting of contractors, May 2005

55. Representatives of the contractors who were able to attend the meeting responded individually to the data requests made by the secretariat, recalled the responses that they had provided to the secretariat's questionnaire and commented generally on the project. Each representative gave a presentation responding to the secretariat's requests for data and provided information on potential means for more extensive collaboration in the project.

56. The meeting agreed that the geological model project is a worthwhile effort that is an appropriate undertaking for the secretariat, that data that have been requested by the secretariat will be provided following internal reviews by contractor managements and that there should be direct collaboration involving the staff of the contractors in the implementation of the project in order to ensure that they can influence the way the work is completed, taking advantage of the extensive expertise available among their staff. The participants in the meeting agreed to the following actions to support implementation of the project:

(a) The secretariat will formally request from each contractor the data sets described below for completing the geological model;

(b) The contractors will work with the secretariat to define the individual scope of work for each contractor in support of the geological model;

(c) The secretariat will continue to work to complete establishment of a secure Internet website for exchange of data among the experts working on the project.

57. The meeting also agreed on the following key project milestones:

August 2005: The secretariat will present a description of the project and report on the progress to date to the Legal and Technical Commission and the Council at the eleventh session of the Authority

May 2006: The secretariat will convene a meeting of the participants to the project to review the progress of the project to date and to decide on the specific methods to be employed for completion of the project

May 2007: Final reports from the consultants will be submitted to the secretariat

July 2007: The secretariat will convene a workshop to examine the results of the project with participants in the project and independent experts.

58. Since the meeting, the secure Internet website for exchange of data among the professionals working on the project has been established, and steps have been taken to identify specific areas of the project for implementation by contractual staff.

F. International collaboration in marine scientific research

59. As indicated in the annual report of the Secretary-General to the tenth session, the Secretariat will, in the 2005-2007 period, further its efforts to promote international collaboration in marine scientific research related to minerals in the Area. In the same report, the Secretary-General also reported on progress with respect to international collaboration on, inter alia, the determination of levels of biodiversity, species range and gene flow, and disturbance and recolonization processes on the sea floor following mining track creation and plume resedimentation in the abyssal nodule

provinces. It is envisioned that the collaborations are to be carried out through the Kaplan Project. This project had undertaken its first cruise for the study on the levels of biodiversity, species range and gene flow during 4 February and 8 March 2003. During the cruise, it examined a 100 square kilometres centred at 14° North and 119° West in the eastern part of the CCZ.

1. The Kaplan Project

60. The Authority recently received the second annual progress report on the Kaplan Project. The report deals with the third Kaplan cruise, which was completed in June 2004 under the auspices of IFREMER, one of the contractors with the Authority. The most recent cruise added to the samples collected previously so that samples have now been taken at the eastern, central and western zones of the CCZ. The animals or organisms have now been extracted from the sediment for all of the samples collected. In addition, during the cruise, mining tracks created 26 years ago by IFREMER were investigated to monitor the recovery and recolonization of the areas disturbed. This phase of the Kaplan Project addresses its second objective, which is to investigate and study disturbance and recolonization processes at the sea floor following mining track creation and plume resedimentation in the abyssal nodule provinces. Upon the completion of this phase, the Authority will be provided with recommendations regarding the recovery of the deep abyssal plain communities from disturbances by a test mining system.

61. With regard to levels of biodiversity, species range and gene flow, work is progressing well using both traditional morphological techniques and the newly developed DNA-based techniques for all animal groups being investigated (polychaetes, nematodes and foraminifera). To date, the Kaplan Project has resulted in three scientific, peer-reviewed, publications, and it is expected that there will be more.

62. The first set of detailed results and analyses from this project should be available by the end of the summer of 2005. The outputs will include a database of some of the important species found in the CCZ and their genetic sequences. This will be the first project of its kind to assess the genetic resources in the nodule province. The information on biodiversity derived from this project will be superimposed on the geological model that the Authority is developing for that zone. The model will considerably enhance the international community's knowledge of the geological and biological environment of that area.

2. Collaboration between the Chemosynthetic Ecosystems Group and the Seamounts Group

63. The Authority has also set up collaborations with the Chemosynthetic Ecosystems Group (ChEss) and the Seamounts Group (CenSeam). These programmes address environments where polymetallic sulphides and cobalt-rich ferromanganese crusts are found. The next workshop proposed by the Authority will be a collaboration with CenSeam and will focus on the distribution of potentially commercial deposits of cobalt-rich ferromanganese crusts in the Area, the conditions leading to the formation of such deposits, an assessment of the patterns of diversity, endemism and scales of seamount faunas and the factors that appear to drive these patterns. The workshop will result in a biogeographic synthesis of seamount fauna based on research conducted by scientists from Australia, France, Japan, New Zealand and the Republic of Korea and other countries. The workshop is scheduled for March 2006 in Kingston, Jamaica.

3. Participation of scientists from developing countries

64. As the Authority continues its effort to promote marine scientific research in the Area, the limited role of scientists from developing countries that are members of the Authority in these activities is becoming increasingly apparent. At this early stage of the process, the applicability of some of the techniques used for research in the Area to address similar matters in the exclusive economic zones of many developing countries is readily acknowledged, for instance the DNA techniques that are being utilized in the Kaplan Project. In order to facilitate the participation of scientists from developing countries, it is proposed that a trust fund be established. This trust fund will be used to promote marine scientific research and, inter alia, to provide opportunities for qualified scientists from institutions in developing countries to participate in research activities

conducted by international scientists at sea or in laboratories of scientific institutions. Preference will be given to scientists affiliated with universities or researching institutions in developing countries who, in turn, could pass on the knowledge acquired or apply them to national endeavours. One source of funding for this could be from the funds accruing to the Authority from the fees paid for processing applications for the approval of plans of work.

XII. FUTURE WORK

65. During the three-year period 2005-2007, as previously indicated in the annual report of the Secretary-General to the tenth session and as approved by the Assembly at the tenth session, the work programme of the Authority will continue to focus on the implementation of items (c), (d), (f), (g), (h), (i) and (j) in the list set out in paragraph 5 of section 1 of the annex to the 1994 Agreement. In particular, work will continue to focus in the following five main areas:

(a) The supervisory functions of the Authority with respect to existing contracts for exploration for polymetallic nodules;

(b) The development of an appropriate regulatory framework for the future development of the mineral resources of the Area, particularly hydrothermal polymetallic sulphides and cobalt-rich ferromanganese crusts, including standards for the protection and preservation of the marine environment during their development;

(c) Ongoing assessment of available data relating to prospecting and exploration for polymetallic nodules in the CCZ;

(d) The promotion and encouragement of marine scientific research in the Area through, inter alia, an ongoing programme of technical workshops, the dissemination of the results of such research, and collaborations with the Kaplan Project, ChEss and CenSeam;

(e) Information-gathering and the establishment and development of unique databases of scientific and technical information with a view to obtaining a better understanding of the deep ocean environment.

66. The immediate priority for the Authority is the development of a regulatory regime for prospecting and exploration of polymetallic sulphides and cobalt-rich ferromanganese crusts. The Council will continue its consideration of the draft regulations during the eleventh session. Meanwhile, the Legal and Technical Commission is expected to begin its consideration of environmental guidelines for future exploration contractors for deposits of sea floor massive sulphides and cobalt-rich ferromanganese crusts in the Area on the basis of the recommendations of the September 2004 workshop. It is expected that another workshop will be convened before the end of the 2005-2007 work programme to standardize the environmental data and information required under the regulations for polymetallic sulphides and cobalt-rich ferromanganese crusts and in the guidelines for the establishment of baselines for these two types of mineral resources. It is expected that the result of these two workshops will facilitate the acquisition of comparable environmental data and information by contractors that would facilitate the establishment of cohesive monitoring programmes by the Authority and contractors. Such monitoring programmes will result in the establishment of rigorous databases for the protection and preservation of the marine environment associated with mineral deposits.

67. During the first half of 2005, the Secretariat has continued with its efforts to develop a geological model of the polymetallic nodule deposits of the CCZ. This is one of the major projects in the 2005-2007 work programme. In keeping with the project milestones identified by contractor representatives and the team of technical experts assisting the Authority with the implementation of this project, a midterm meeting will be convened in 2006 to review the progress of the project and to decide on the specific methods to be employed to complete the project. It is also proposed that in 2007, a workshop will be held on the geological model and prospectors' guide, specifically to examine the results of the project with project participants and independent experts.

68. The Secretariat will also continue to study the developments relating to the exploration and exploitation of mineral resources of the continental shelf beyond 200 nautical miles in the light of the provisions of article 82, paragraph 4, of the Convention.

Notes

- ¹ www.un.org/Depts/convention_agreements/convention_agreements.htm.
- ² General Assembly resolution 48/263.
- ³ In order to achieve equitable geographical representation in the Council, the following allocation of seats were agreed to for the first election: Africa 10, Asia 9, East European 3, Latin America and the Caribbean States 7, and Western European and others 8. This resulted in a total of 37 against the 36 members prescribed in the Convention. Therefore, it was further agreed that each regional group, other than the Eastern European, will relinquish in rotation one seat for one year during the four-year period in order to conform to the requirement of 36 members of the Council under the Convention. The State relinquishing its seat will participate in the meetings of the Council without the right to vote. It is in this context that 19 seats were elected at the last meeting instead of 18 seats.
- ⁴ ISBA/10/C/4.
- ⁵ ISBA/10/C/10.
- ⁶ ISBA/10/C/WP.1.
- ⁷ See *Proceedings of the Tenth Anniversary Commemoration of the establishment of the International Seabed Authority*, Kingston, International Seabed Authority, 2005 (ISBN: 976-95155-0-7).
- ⁸ ISBA/10/A/2-ISBA/10/C/2, annex.
- ⁹ ISBA/10/C/5.
- ¹⁰ ISBA/10/A/11.
- ¹¹ Austria (accession) 25 September 2003, Oman (ratification) 12 March 2004, Denmark (accession) 16 November 2004, Mauritius (accession) 22 December 2004, Chile (ratification) 8 February 2005.
- ¹² <http://untreaty.un.org>.
- ¹³ General Assembly resolution 58/240. The establishment of such a mechanism had been called for by the General Assembly in its resolution 57/141.
- ¹⁴ See *Proceedings of the Twentieth Anniversary Commemoration of the opening for signature of the United Nations Convention on the Law of the Sea*, New York: UN.DOALOS; Kingston: ISA, 2003. *Marine Mineral Resources — Scientific Advances and Economic Perspectives*, New York: UN.DOALOS; Kingston, International Seabed Authority, 2004 (ISBN: 976-610-616-9).
- ¹⁵ ISBA/10/A/8.
- ¹⁶ President, International Marine Minerals Society/United States Geological Survey.
- ¹⁷ Leibniz Institute of Marine Sciences, University of Kiel, Germany.
- ¹⁸ Director, GEOTOP-UQAM-McGill Research Centre, University of Quebec, Montréal, Canada.
- ¹⁹ ISBA/7/C/2, annex.
- ²⁰ ISBA/10/C/4, paras. 11-17.
- ²¹ ISBA/10/C/10.
- ²² It is to be noted that the original proposal for a seminar related to the protection of the marine environment and high seas biodiversity during prospecting and exploration of mineral resources in the Area, using lessons learned from scientific research programmes, was developed by the late Mr. Helmut Beiersdorf (Germany). Mr. Beiersdorf's proposal was taken as a basis for planning of the workshop by the Secretariat.

²³ For list of participants, see www.isa.org.jm/en/seabedarea/2004Wshop/PListing_23Sept04.pdf.

²⁴ ISBA/10/LTC/5.

ISBA/11/A/5 Notification dated 28 July 2005 sent to member States by the Secretary-General of the International Seabed Authority in accordance with regulation 20, paragraph 1 (c), of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area

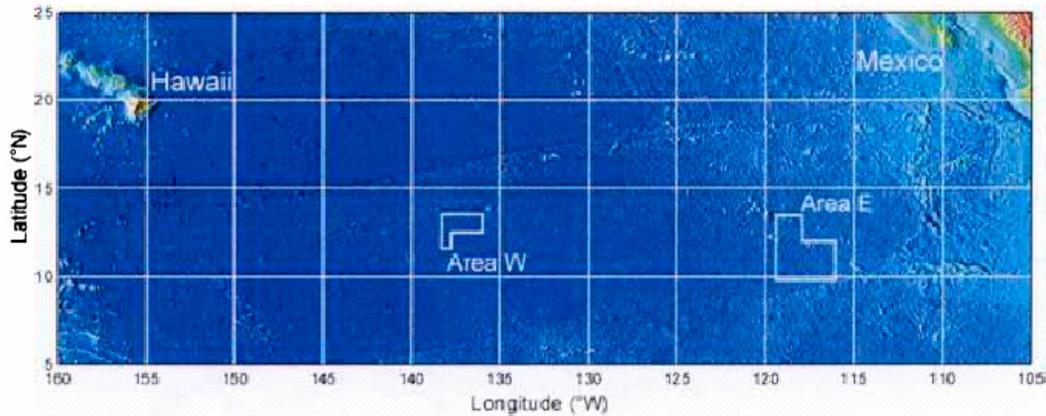
Date: 28 July 2005

The Secretary-General of the International Seabed Authority has the honour, in accordance with regulation 20, paragraph 1(c), of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (ISBA/6/A/18, annex), to notify the member States of the Authority of the receipt, on 21 July 2005, of an application for approval of a plan of work for exploration for polymetallic nodules from the German Federal Institute for Geosciences and Natural Resources on behalf of Germany. A summary of the application as provided by the applicant is attached herewith for the information of member States of the Authority (see annex).

The application has been placed on the agenda of the Council for consideration at the eleventh session of the Authority. The members of the Legal and Technical Commission have been duly notified of the application in accordance with regulation 21, and the application has been placed on the Commission's agenda for its meeting from 8 to 19 August.

Annex I: Summary of the German application for exploration of polymetallic nodules

On behalf of the German Federal Government, the German Federal Institute for Geosciences and Natural Resources (BGR) is submitting an application for the exploration of polymetallic nodules in two distinct areas in the Pacific nodule belt (see figure): area W (~13°N/137°W; 34,080 km²; 4,850 m average water depth) and area E (~12°/118°W; 115,896 km²; 4,200 m average water depth), covering a total area of 149,976 km². The application is based on prospection data collected from 1976 to 1978 by the German consortium Arbeitsgemeinschaft meerestechnisch gewinnbarer Rohstoffe (AMR) within the scope of the polymetallic nodule investigations under the auspices of the Ocean Management Inc. (OMI) consortium. BGR has inherited voluminous archive material from the German company Preussag AG, which, as a partner of AMR, was active as pioneer prospector on polymetallic nodules in the central Pacific Ocean and even undertook a pilot mining test in the 1980s. According to the 624 samples recovered from the sea floor, the average nodule coverage is 7.8 kg/m² in area W and 13.5 kg/m² in area E, and the nodule resources of the total area amount to 1,830 million tons, with nickel, copper and cobalt altogether comprising 46.6 million tons. The proposed work programme for the first five years will include the comprehensive evaluation of the Preussag archive material and a research cruise to the license area. The central topics of this cruise will be: (a) the acquisition and interpretation of acoustic reflectivity data (utilization of the side-scan sonar function of modern swath sounding systems); (b) seafloor sampling for calibration and ground truthing of digital acoustic data; and (c) the investigation of benthic communities (taxonomy, composition of assemblages, biodiversity).



ISBA/11/A/8 - Report of the Finance Committee
ISBA/11/C/9

Date: 19 August 2005

I. INTRODUCTION

1. During the eleventh session of the International Seabed Authority, the Finance Committee held four meetings, on 18 and 19 August 2005. The Committee elected Hasjim Djalal Chairman.

II. AGENDA

2. The Committee adopted the agenda, noting that under the item “Other matters” there would be a discussion of the fund proposed in the Secretary-General’s report for participation of personnel from developing countries in marine scientific research in the Area.

III. AUDIT REPORT FOR 2004

3. The Committee examined the audit report for 2004 and the accompanying financial statements. In order to obtain clarification, the Committee met with the independent auditor to discuss the following issues:

- (a) The need for a management audit;
- (b) The use of the updated United Nations system accounting standards and common audit methods;
- (c) Adjustments to be made under financial regulation 6.3;
- (d) The status of the fund for fees paid by the pioneer investors.

IV. APPOINTMENT OF AN INDEPENDENT AUDITOR FOR 2005 AND 2006

4. The Committee considered the four proposals received for the provision of audit services for 2005 (see ISBA/11/FC/1). It was noted that financial regulation 12.1 indicated that the appointment of an independent auditor should be for a period of four years and that the independent auditor may be reappointed for one term.

5. Following discussion, the Committee agreed to recommend Deloitte & Touche as independent auditor for 2005 and 2006.

V. CONTRIBUTIONS OF MEMBERS

6. The Committee noted the status of contributions to the administrative budget and expressed concern about the number of member States in arrears for multiple years and the effect of that situation, including on the voting process.

7. The Committee recommended that the Assembly urge members to pay their assessed contributions on time and in full.

8. The Committee recommended that Denmark, which became a member of the Authority in 2004, and Latvia and Burkina Faso, which became members of the Authority in 2005, contribute the following amounts towards the administrative budget of the Authority and the Working Capital Fund for 2004 and 2005.

Recommended contributions

(United States dollars)

New member State	Date of membership	United Nations scale of assessments (percentage)		Adjusted International Seabed Authority scale (percentage)		Contributions to General Administrative Fund		Contribution to Working Capital Fund
		2004	2005	2004	2005	2004	2005	
Denmark	16 December 2004	0.749	0.718	1.105	1.026	1 450	36 399	4 840
Latvia	22 January 2005		0.015		0.21		702	92
Burkina Faso	24 February 2005		0.002		0.10		391	44
Total						1 450	37 492	4 976

VI. VOLUNTARY TRUST FUND

9. The Committee took note of document ISBA/11/FC/3. The Committee reaffirmed that requests to defray the costs of attendance at meetings of the Legal and Technical Commission and the Finance Committee should be made by a member's Government, and that economy-class travel would remain the standard for assistance with fares.

10. Noting the residual balance of the advance made by the Secretary-General to the voluntary trust fund, the Committee decided to recommend that, to supplement the voluntary contributions, the Secretary-General be authorized to advance, to the extent necessary, up to \$60,000 for the operation of the voluntary fund in 2006 from the interest from the fund for fees paid by the pioneer investors.

11. The Committee noted with appreciation Nigeria's pledge of \$5,000 to the voluntary fund and requested that the secretariat continue to seek further donations from members of the Authority and other sources.

VII. OTHER MATTERS

12. The Finance Committee discussed the status of the fund for fees paid by the pioneer investors. In this regard, the Secretary-General proposed, as an exceptional measure, that the existing balance available in the fund be transferred to a special endowment fund account, the income from which could be utilized for appropriate purposes, as decided from time to time by the Assembly on the recommendation of the Council and the Finance Committee, including to supplement the voluntary trust fund established by the Assembly. The Committee recommends to the Council and the Assembly that the Secretary-General be requested to make a detailed proposal with terms of reference on the establishment and use of the proposed endowment fund in accordance with financial regulation 5.6 for the consideration of the Committee. The Secretary-General also informed the Committee that he would consult with the contractors regarding the status and use of the fund consisting of the fees from pioneer investors before making his proposal. In this regard, he will also provide a certification, as appropriate, on the fulfilment of the original purpose of this fund.

VIII. RECOMMENDATIONS

13. In the light of the foregoing, the Committee recommends that the Council and the Assembly:

- (a) Appoint Deloitte & Touche as independent auditor for 2005 and 2006;
- (b) Urge the members of the Authority to pay their assessed contributions to the budget on time and in full and to contribute to the voluntary trust fund;
- (c) Approve the contributions of Denmark, Latvia and Burkina Faso, which became new members in 2004 and 2005, as set out in the table contained in the present report, towards the administrative budget of the Authority and the Working Capital Fund for 2004 and 2005; and
- (d) Approve the recommendations contained in paragraph 12 of the Committee's report.

ISBA/11/A/11 Statement of the President on the work of the Assembly at the eleventh session

Date: 25 August 2005

1. The eleventh session of the Assembly of the International Seabed Authority was held at Kingston from 15 to 26 August 2005.

ADOPTION OF THE AGENDA

2. At its 98th meeting, on 15 August 2005, the Assembly adopted the agenda for the eleventh session (ISBA/11/A/1).

ELECTION OF THE PRESIDENT AND VICE-PRESIDENTS OF THE ASSEMBLY

3. At the 98th meeting, on 15 August 2005, Olav Myklebust (Norway) was elected President of the Assembly for the eleventh session. At the 99th meeting on 18 August, following consultations

in the regional groups, the representatives of Brazil (Latin American and Caribbean States), South Africa (African States), Bangladesh (Asian States) and Poland (Eastern European States) were elected as Vice-Presidents.

APPOINTMENT OF THE CREDENTIALS COMMITTEE

4. At its 99th meeting, on 18 August 2005, the Assembly elected a Credentials Committee in accordance with rule 24 of its rules of procedure. The following were elected as members of the Credentials Committee: Argentina, Austria, Finland, Jamaica, Japan, Pakistan, Slovakia, Sudan and Uganda. Subsequently, Helmut Tuerk (Austria) was elected by the Committee as its Chairman. The Committee met on 24 August 2005. The report of the Committee is contained in document ISBA/11/A/9. At its 101st meeting, on 25 August 2005, the Assembly adopted the report of the Credentials Committee. The decision of the Assembly relating to credentials is contained in document ISBA/11/A/10.

ELECTION TO FILL VACANCIES ON THE FINANCE COMMITTEE

5. At its 99th meeting, the Assembly elected Alexander Stadtfeld (Germany), Antonin Parizek (Czech Republic), Oleg Alekseevich Safronov (Russian Federation) and Kyaw Moe Tun (Myanmar) as members of the Finance Committee to replace Bernd Kreimer (Germany), Boris Idrisov (Russian Federation), Ivo Dreiseitl (Czech Republic) and Aung Htoo (Myanmar), respectively.

ANNUAL REPORT OF THE SECRETARY-GENERAL

6. At the 99th meeting, on 18 August 2005, the Secretary-General introduced his annual report to the Assembly (ISBA/11/A/4 and Corr.1). In introducing the report, the Secretary-General informed the Assembly that Trinidad and Tobago had acceded to the Protocol on Privileges and Immunity of the Authority on 11 August 2005. The Secretary-General particularly drew the attention of the Assembly to paragraph 64 of his report. He informed the Assembly that, in respect of the Authority's efforts to promote marine scientific research in the Area, the limited role of scientists from developing countries in those activities was becoming increasingly apparent. He noted that, at this early stage of the process, the applicability of some of the techniques used for research in the Area to address similar matters in the exclusive economic zones of many developing countries was readily acknowledged. Paragraph 64 therefore contained a proposal to establish a trust fund to promote marine scientific research and, inter alia, to provide opportunities for qualified scientists from institutions in developing countries to participate in research activities conducted by international scientists at sea or in laboratories of scientific institutions.

7. Following the presentation by the Secretary-General, statements were made by the delegations of Argentina, Austria, Australia, Bangladesh, Brazil (on behalf of the Group of Latin American and Caribbean States), Canada, Chile, China, France, Ghana, Greece, Indonesia, Iraq, Jamaica, Kenya, Namibia, the Netherlands, Nigeria (on behalf of the Group of African States), Pakistan, Portugal, the Russian Federation, Senegal, Spain, South Africa, the Sudan, Trinidad and Tobago, Tunisia, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and Yemen. The observer delegations of the United States of America and of the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat also made statements.

8. With respect to the Headquarters Agreement between the Government of Jamaica and the Authority, the representative of Jamaica informed the Assembly of the ongoing security arrangements made by the Government of Jamaica for the Authority and its staff in accordance with its responsibilities under the Agreement.

9. In relation to section VII of the report (Relations with the United Nations and other bodies), a number of delegations expressed support for the participation of the Authority in UN-

Oceans. The Secretary-General was requested to report on activities within the body, the results of the process, and how the structure would assist the Authority.

10. With regard to section VIII of the report (Secretariat), and on behalf of the Group of Latin American and Caribbean States, Brazil noted the Group's concern that no staff member of the Secretariat was from that region. He said that the Group would be happy to receive formal notifications of vacancies within the Secretariat in order to put forward credible candidates.

11. Several delegations complimented the Authority on its library and website and on its impressive record of publications. It was noted that the publications were a useful means for the dissemination of information among members, including information on the results of marine scientific research. A request was made that proceedings of workshops and other publications should also be made available on CD-ROM, and distributed to member States.

12. Ghana informed the Assembly of a training programme on the preparation of submissions to the Commission on the Limits of the Continental Shelf to be convened in Accra in December 2005. The workshop would be convened jointly with the Division for Ocean Affairs and the Law of the Sea. Nigeria offered to host a workshop in 2006 on seabed mineral resources development.

13. In relation to section XI.C of the Secretary-General's report, many delegations expressed their support for the ecosystem-based approach to the protection and preservation of the marine environment in the Area. In that regard, and on the matter of the protection of biodiversity in the Area, some delegations stated their interest in the results of the high-level open-ended workshop on marine biodiversity beyond the limits of national jurisdiction to be convened by the United Nations in 2006.

14. Support was expressed for the Authority's project for the establishment of a geological model of polymetallic nodule deposits in the Clarion-Clipperton Fracture Zone of the Pacific Ocean. China noted that the extensive experience that had been acquired by contractors could contribute meaningfully to the project.

15. With regard to paragraph 60 of the report, on the Kaplan project, France pointed out that IFREMER was not a part of the project, but had allowed scientists of the project to participate in a cruise that it undertook as part of its obligations under its contract with the Authority. China expressed its appreciation of the progress being achieved in the Kaplan project, and informed the Assembly that it would allow scientists of the project to participate in its Ocean 1 cruise scheduled for 2006.

16. Several delegations commented on paragraph 64 of the report, on the establishment of a trust fund to provide opportunities for qualified scientists from developing countries to participate in marine scientific research activities conducted by international scientists in the Area. There was much support for the Secretary-General's proposal. Many delegations expressed their support for this capacity-building initiative and said that they looked forward to the more detailed proposal to be provided by the Secretary-General at the twelfth session, as recommended by the Finance Committee in paragraph 12 of its report.

REPORT OF THE FINANCE COMMITTEE

17. At its 101st meeting, on 25 August 2005, the Assembly considered the report of the Finance Committee (ISBA/11/A/8-ISBA/11/C/9), and the recommendations therein to the Assembly and the Council.

18. Following consideration of the report, the Assembly decided to appoint Deloitte & Touche as independent auditor of the Authority for 2005 and 2006. The Assembly also approved the assessed contributions of Denmark, Latvia and Burkina Faso, which became members of the Authority in 2004 (Denmark) and 2005 (Latvia and Burkina Faso), to the administrative budget of the Authority and the Working Capital Fund for 2004 and 2005, as recommended by the Finance Committee in paragraph 8 of its report.

19. With respect to the administration of the voluntary trust fund for financing the participation of members of the Legal and Technical Commission and members of the Finance Committee from developing countries for 2006, the Assembly adopted the recommendation contained in paragraph 10 of the report of the Finance Committee. The Assembly noted with appreciation a contribution to the voluntary fund of \$5,000 by Nigeria and a pledge of a further contribution of \$10,000 by Trinidad and Tobago. The Secretary-General was asked to continue to seek further donations to the fund from members of the Authority and other sources.

20. The Assembly urged all members of the Authority to pay their assessed contributions in full and on time. It was noted that, as at 30 June 2005, 37 members of the Authority were in arrears for a period of two years or more. The Secretary-General informed the Assembly that the delegation of Iraq had met with him to inform him that Iraq would soon rectify its arrears in contributions.

TRIBUTE TO KENNETH RATTRAY

21. At the 100th meeting of the Assembly, on 23 August 2005, the Secretary-General read to the Assembly a statement that he had issued when he learned of the passing away of Kenneth Rattray on 4 January 2005. The Assembly observed a minute of silence in memory of Mr. Rattray. Statements were made by the President of the Assembly and by Argentina, Austria, Australia, Bangladesh (on behalf of the Group of Asian States), Brazil (on behalf of the Group of Latin American and Caribbean States), Cameroon, Canada (on behalf of the Group of Western European and Others States), China, France, Ghana, Indonesia, Namibia, Nigeria (on behalf of the Group of African States), Papua New Guinea, the Russian Federation (on behalf of the Group of Eastern European States) Senegal, Trinidad and Tobago, Tunisia and the United States of America.

REQUEST BY THE INTERNATIONAL UNION FOR THE CONSERVATION OF NATURE AND NATURAL RESOURCES FOR OBSERVER STATUS IN THE ASSEMBLY

22. The Assembly considered a request for observer status by the International Union for the Conservation of Nature and Natural Resources (IUCN). It invited IUCN to participate as an observer in its meetings.

NEXT SESSION OF THE ASSEMBLY

23. The twelfth session of the Assembly will be held at Kingston, Jamaica, from 7 to 18 August 2006.

24. The Assembly noted that the terms of office of the members of the Finance Committee and the Legal and Technical Commission would expire on 31 December 2006. Elections to those bodies for the period 2007-2011 would therefore be held at the twelfth session of the Assembly. With respect to the question whether existing members of those bodies were eligible for re-election, the Secretary-General expressed the view that those members who had already served for two terms could be considered eligible for re-election given the disparity that existed between different language versions of the text. There was no general agreement on this. In addition, the regular election would be held for one half of the members of the Council.

Explanatory notes relating to the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts (ISBA/10/C/WP.1)

Date: 12 August 2005

Preamble

1. The objective of the present explanatory notes is to provide information to the Council of the International Seabed Authority regarding the rationale followed by the Legal and Technical Commission during its formulation of several key elements of the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts (ISBA/10/C/WP.1). Reference to, and preliminary discussion of, these key elements took place during the meeting of the Council following the presentation of the draft regulations by the Vice-Chair of the Commission during the tenth session. In accordance with the statement of the Secretary-General of the International Seabed Authority in paragraph 36 of his report under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea (ISBA/11/A/4), the Commission has prepared these notes to facilitate further deliberation on the regulations.

2. Five years of uncertainty requiring clarification were raised during the Council discussion during the tenth session, namely:

(a) The reasons for the establishment of a single set of regulations for the two types of resources, rather than different ones for each type;

(b) The reasons why the exploration block size was chosen as a 10 kilometre-by-10 kilometre cell;

(c) The reasons why the number of blocks to be allocated to an exploration programme was chosen to be 100;

(d) The reasoning behind the requirement to ensure that all blocks in a single application were contiguous before relinquishment;

(e) The reasoning behind the rate and apportionment of blocks during relinquishment.

These themes are addressed in separate sections below.

RATIONALE BEHIND A SINGLE SET OF REGULATIONS FOR THE TWO DEPOSITS

3. As noted by the Secretariat in the document entitled “Considerations relating to the regulations for prospecting and exploration for hydrothermal polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area” (ISBA/7/C/2), polymetallic sulphides and cobalt-rich ferromanganese crusts have entirely different two- and three-dimensional forms from those of typical manganese nodule deposits. Unlike nodules, which exist predominantly in a carpet-like manner across the seafloor surface in certain parts of the world’s oceans, polymetallic sulphides and cobalt-rich ferromanganese crusts occur mainly as localized deposits, often over an area of a few square kilometres.

4. While the localized form of both polymetallic sulphides and cobalt-rich ferromanganese crust deposits clearly contrasts with that of manganese nodules, spatial organization of these two localized deposits on the seafloor is also different. In the case of cobalt-rich ferromanganese crusts, the deposits occur principally on seamounts and shoal areas of the deep ocean, on topographic features that are distributed more or less randomly. Polymetallic sulphide deposits, however, while occurring in a similarly localized manner, are more systematically sited in their active form, as sites spaced along the line of the mid-ocean spreading ridge axes. Polymetallic sulphide deposits occur in

their inactive form, but less systematically, as once they reach a passive form, they are moved away from the spreading axis during the process of plate motion.

5. Despite these differences in location style, the anticipated mining operation to be undertaken to recover high-grade ore will be essentially the same — focused extraction of highest-grade ore at one site, before moving of operations to another site. For this reason, the Commission considers it inappropriate to provide two different sets of draft regulations for these deposits.

6. It should be noted that far less is known of the distribution of these types of deposits than was understood of manganese nodules at the same stage of development of regulations for manganese nodules. Very few sites of either polymetallic sulphide or cobalt-rich ferromanganese crust deposits have been rigorously appraised for their potential as mine sites. It is possible, however, to make estimates of the likely distribution of each of the deposits from data available largely from the academic community, as presented in summary form by experts in these fields (for example, Dr. James R. Hein, Dr. Peter Herzig and Dr. Kim Juniper at the tenth session (see ISBA/10/C/4 of 28 May 2004)).

RATIONALE BEHIND SELECTION OF BLOCK SIZE

7. Cobalt-rich ferromanganese crusts, while occurring extensively on basement surfaces in the deep ocean, are considered to be mineable at water depths between 500 and 1,500 metres. This restricts mineable sites to less than 10 or a few tens of kilometres across.

8. Polymetallic sulphide sites normally have a surface expression of less than 10 kilometres, although they are likely to have extensive subsurface deposits, perhaps for a number of kilometres laterally.

9. The selection of an approximately 10 kilometre-by-10 kilometre cell, or multiple cells to cover a single site, appears to be most practical with respect to covering exploration areas of each deposit.

NUMBER OF BLOCKS IN AN EXPLORATION AREA

10. In order to illustrate the reasoning behind the selection of 100 as the appropriate maximum number of blocks within a single exploration application, the Commission has provided a simplified calculation of mineable area needed by a potential contractor:

For cobalt-rich ferromanganese crust, an average figure of between 20 and 40 kilograms (kg) per square metre (m^2) of recoverable crust is required to make a mining operation economic.

For a 20-year lifetime for a mining operation, during which production is assumed to be 2 million tons per year, a total of $20 \times 2 \times 10^9$ kilograms must be recovered.

Based on the above total recovery and rate of recovery, the mine site (sites) must cover an area of $20 \times 2 \times 10^9$ kg/40 kg m^{-2} .

This total area works out to be 10^9 square metres.

According to the draft regulations, the contractor's original maximum exploration area of 100 blocks will cover 10^{10} m^2 , therefore 10 times the necessary mine site(s). The relinquishment to 25 blocks suggests (if appropriate grade is identified) that those blocks retained by the contractor will contain 2.5 times the crust required to support a mining operation for 20 years.

CONTIGUITY OF BLOCKS

11. Estimates of between 30,000 and 50,000 seamounts exist for the Pacific Ocean, and few have been explored for cobalt-rich ferromanganese crust. Seafloor mapping of the area of potential resource is not sufficiently complete to allow an accurate identification of target seamounts and this will be achieved during prospecting. The requirement of contiguous blocks would no doubt cover seafloor less attractive to contractors, which would eventually revert by relinquishment to the Authority. The contractor would nonetheless be left with prime sites within the 25 retained blocks.

12. For polymetallic sulphide deposits, there are far fewer potential mineable sites, and stipulating contiguity for the blocks is even more justified to ensure that all the best sites are not cherry-picked in the first licence round. Owing to still-scant data for these hydrothermal sites, our predictions of polymetallic sulphide sites are much more tenuous than for cobalt-rich ferromanganese crust, and the contiguous block geometry encourages the contractor to explore along and across the mid-ocean ridge. Along the ridge in the active zone, there are still likely to be unknown sites and possible mine targets, and across the ridge (that is to say, on to extinct polymetallic sulphide sites that have moved away from the ridge), we have even less knowledge, but we would predict mature (and potentially richer) polymetallic sulphide deposits. In either case, the strategy will increase a general understanding and knowledge base of controls on polymetallic sulphide formation at mid-ocean ridge systems for future contractors.

RELINQUISHMENT

13. It was recognized that, while the requirement that blocks in original applications to be contiguous would reduce the likelihood of cherry-picking too many prime potential mine sites, it would also be likely to result in licensing of significant areas of low grade. This would naturally allow for the relinquishment process.

ADDITIONAL NOTES ON CHANGES TO REGULATIONS ON PROTECTION OF THE MARINE ENVIRONMENT

14. The Commission felt that it might be useful to make additional comment in these notes on the decisions taken to place particular emphasis on the protection of the marine environment, since this is another area where substantial changes have been made. In particular, it is useful to consider the differences between the ecosystems of nodule deposits and those of sulphides and crusts in the context of a sustainable deep seabed management regime.

15. In particular, the Commission recalls the way in which polymetallic sulphide and cobalt-rich ferromanganese crusts occur in parts of the marine environment that are now known to host complex — and, in many ways, unique — marine ecosystems, and of a type that may be susceptible to major trauma. There is some potential for serious and permanent harm in these areas during the process of seabed mining. While this may also be, to some extent, the case for nodule mining (we are still not absolutely sure of this), the nodule deposit is one that, by its nature, covers so wide an area that the extent of such harm may be mitigated. For sulphides occurring at active sites, the deposits are very localized, hence the potential impact at a mine site is likely to be significant. For these reasons, there has been much more emphasis on the protection and preservation of the marine environment in the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area.

**Report and recommendations to the Council of the
International Seabed Authority relating to an application
for approval of a plan of work for exploration by the
Federal Republic of Germany represented by the German
Federal Institute for Geosciences and Natural Resources**
Prepared by the Legal and Technical Commission

Date: 15 August 2005

I. INTRODUCTION

1. On 21 July 2005, the Secretary-General of the International Seabed Authority received a new application for the approval of a plan of work for exploration for polymetallic nodules in the Area. The application was submitted pursuant to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (“the Regulations”) by the Federal Republic of Germany represented by the German Federal Institute for Geosciences and Natural Resources. The application covers two distinct regions of the Pacific nodule belt covering a total area of 149,976 square kilometres.
2. In accordance with the Regulations, on 28 July 2005, the Secretary-General notified all members of the Authority of the receipt of the application and circulated information of a general nature concerning the application. The Secretary-General also placed consideration of the application as an item on the agenda of the Legal and Technical Commission at its meeting, held from 8 to 19 August 2005.

**II. METHODOLOGY FOR CONSIDERATION OF THE APPLICATION
BY THE LEGAL AND TECHNICAL COMMISSION**

3. The Legal and Technical Commission met to consider the application on 11 and 12 and from 15 to 17 August 2005. Prior to commencing a detailed examination of the application, the Commission invited the applicant’s representative, Mr. Michael Wiedicke-Hombach, to make a presentation of the application. The Commission then structured its work on the application as follows: working groups were established to deal with (a) legal issues; (b) the proposed plan of work for exploration; and (c) technical issues related to the designation of the reserved area. The working groups then reported on their work to the Commission as a whole. When necessary during its deliberations, the Commission invited the representative of the applicant to clarify certain technical issues and to respond to specific queries on the details of the application.¹
4. The Commission noted that, in keeping with the scheme established in annex III, article 6, of the United Nations Convention on the Law of the Sea, it is first required to make an objective determination as to whether the applicant has complied with the Regulations as they relate to the form of applications, has given the necessary undertaking specified in regulation 14 of the Regulations and assurances, possesses the necessary financial and technical capability and (as appropriate) has satisfactorily discharged its obligations under any previous contract with the Authority. The Commission is then required to determine, in accordance with regulation 21(4) and its procedures, whether the proposed plan of work will provide for effective protection of human health and safety and effective protection and preservation of the marine environment and will ensure that installations are not established where interference may be caused to the use of

¹ Mr. Wiedicke-Hombach was elected by the Council as a member of the Legal and Technical Commission on 16 August 2005. However, in view of his position as a representative of the German Federal Institute for Geosciences and Natural Resources (BGR), Mr. Wiedicke-Hombach took no part in the deliberations of the Commission relating to the application.

recognized sea lanes essential to international navigation or in areas of intense fishing activity. Regulation 21(5) of the Regulations goes on to provide that:

If the Commission makes the determinations specified in paragraph 3 and determines that the proposed plan of work for exploration meets the requirements of paragraph 4, the Commission shall recommend approval of the plan of work for exploration to the Council.

5. In considering the proposed plan of work for exploration, the Commission had regard to the principles, policies and objectives relating to activities in the Area as provided for in part XI and annex III of the Convention and in the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 1994 (“the Agreement”).

III. SUMMARY OF BASIC INFORMATION REGARDING THE APPLICATION

A. Identification of the applicant

6. Name of applicant: Federal Republic of Germany represented by the German Federal Institute for Geosciences and Natural Resources.

7. Address of applicant:

- (a) Street address: Stilleweg 2, D-30655, Hannover, Germany
- (b) Postal address: Postfach 51-01-53, D-306301, Hannover, Germany
- (c) Telephone number: +49.511.643-0
- (d) Facsimile number: +49.511.643-23 04
- (e) Electronic mail address: poststelle@bgr.de

8. Applicant’s designated representative:

- (a) Name: Professor Friedrich-Wilhelm Wellmer
- (b) Address: (same as 7)
- (c) Telephone number: +49.511.643-2244
- (d) Facsimile number: +49.511.643-3676
- (e) Electronic mail address: f.wellmer@bgr.de

9. Date of deposit of its instrument of ratification of, or accession or succession to, the 1982 United Nations Convention on the Law of the Sea and the date of its consent to be bound by the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982: 14 October 1994.

B. Area of application

10. The application area of Germany covers a total of 149,976 square kilometres in the Clarion-Clipperton Zone of the Pacific Ocean. The area is divided into two regions. The Western region (“Area W”) covers an area of 34,080 square kilometres and has an average water depth of 4,850 metres. The Eastern region (“Area E”) covers an area of 115,896 square kilometres and has an average water depth of 4,200 metres. The coordinates and general location of the areas under application are shown in annex I.

C. Other information

11. Date of receipt of application: 21 July 2005.

12. Previous contracts with the Authority: the applicant has not been previously awarded any contract with the Authority.

13. Undertakings: the applicant attached a written undertaking signed by the President of the German Federal Institute for Geosciences and Natural Resources stating that it will comply with regulation 14 of the Regulations.

IV. EXAMINATION OF INFORMATION AND TECHNICAL DATA SUBMITTED BY THE APPLICANT

14. The following technical documents were submitted in the application:

- (a) Information relating to the area under application:
 - (i) Boundaries of the area under application according to the World Geodetic System 1984 (WGS 84);
 - (ii) Chart and a list of the coordinates dividing the total area into two parts of equal estimated commercial value;
 - (iii) Data on the areas under application:
 - a. Data on the location, survey and evaluation of the polymetallic nodules in the area;
 - b. Description of the technology related to the recovery and processing of polymetallic nodules;
 - Exploration vessels
 - Navigation systems
 - Sampling equipment
 - Free-fall grab (optional with camera)
 - Box corer
 - Television system
 - Echo sounding
 - Seismo-acoustic methods
 - Chemical analysis
 - c. Map of the physical and geological characteristics of the area under application (seabed topography, bathymetry and bottom currents);
 - Seabed topography and bathymetry
 - Bottom currents
 - d. Data on the average density (abundance of polymetallic nodules with abundance map showing the location of sampling sites);
 - e. Data on the average elemental content of metals of economic interest (grade) based on chemical assays in (dry) weight per cent and associated grade maps;
 - f. Combined maps of abundance and grade of polymetallic nodules;
 - g. Calculation on the estimated commercial value of the two areas;
 - h. A description of the techniques used by the applicant;
- (b) Information on wind speed and direction, wave height, period and direction, current speed and direction, water salinity, temperature and biological communities;

- (i) Seasonal environmental parameters in areas “W” and “E”;
 - (ii) Wind speed and direction;
 - (iii) Wave height, period and direction;
 - (iv) Surface current speeds and direction;
 - (v) Water mass characteristics (temperature, salinity, oxygen, phosphate);
 - (vi) Biological communities;
 - (vii) Environmental parameters during the test period of recovery of nodules in areas “W” and “E”;
- (c) References;
 - (d) Certificate of sponsorship issued by the sponsoring State;
 - (e) Data author, technical device used for recovery, geographic coordinates, water depths, and data on the average density (abundance) and elemental content of the polymetallic nodule samples;
 - (f) Information to enable the Council to determine whether the applicant is technically capable of carrying out the proposed plan of work for exploration;
 - (g) Plan of work for exploration;
 - (h) Training programme (in reference to articles 143 and 144 of the United Nations Convention of the Law of the Sea);
 - (i) Technical details of the research vessels used for the recovery of nodules and geophysical mapping of the area under application.

15. It was noted that all technical data submitted in the application had been gathered using standard and recognized methods. The representative of the applicant provided clarifications as required on the information and technical data supplied.

V. CONSIDERATION OF FINANCIAL AND TECHNICAL QUALIFICATIONS OF THE APPLICANT

16. The applicant declares that the German Federal Institute for Geosciences and Natural Resources (BGR) is the geoscientific institution of the German Federal Government. BGR is the successor institution to the data and information obtained by Preussag AG and the German consortium Arbeitsgemeinschaft meeresstechnisch gewinnbarer Rohstoffe (AMR) in the 1970s and 1980s. Preussag AG, a member of the consortium Ocean Management Inc. (OMI), but sponsored by the Federal Republic of Germany, had previously obtained a manganese nodule exploration licence in 1984 and had carried out substantial activities in the Area, including a pilot-mining test in the manganese nodule belt of the Central Pacific.

17. The Federal Republic of Germany has certified, as part of the application, that an amount in excess of US\$ 30 million was expended in research and exploration activities, including in the location, survey and evaluation of the area referred to in the plan of work for exploration. In accordance with regulation 12(2), of the Regulations, and paragraph 6 (a) (i) of section 1 of the annex to the 1994 Agreement, the applicant shall therefore be considered to have met the financial and technical qualifications necessary for approval of the plan of work for exploration.

18. The Federal Republic of Germany declares that it has the necessary financial resources to meet the estimated costs of the proposed plan of work for exploration.

VI. CONSIDERATION OF DATA AND INFORMATION SUBMITTED FOR THE DESIGNATION OF A RESERVED AREA AND DETERMINATION OF EQUAL ESTIMATED COMMERCIAL VALUE

19. The applicant indicated the coordinates dividing the area under application into two areas of equal estimated commercial value. The Council, on the recommendation of the Commission, shall designate one of these areas as the area reserved for the Authority. The other area will become the applicant's exploration area. The calculation of the estimated commercial value was done by the applicant in several steps, which are briefly described below.

A. Methodology used by the applicant in calculation of the estimated commercial value

20. The first step was to define the amount of metals, specifically for copper, nickel and cobalt, for each sampling site in the area under application. This was achieved by multiplying the content of these metals (percentage of dry weight) as derived from chemical analyses with the nodule abundance (kg/m^2) at each site. Thus, the so-called metal density for copper, nickel and cobalt was determined (in kg/m^2) for each site.

21. The second step was to define the commercial value for the calculated metal densities at each site. This is achieved by multiplying the metal densities with the commodity prices for the three metals as quoted in May 2005 in the London publication *Metal Bulletin*. Prices were listed at: copper, \$3.31/kg; nickel, \$16.05/kg; and cobalt, \$74.78/kg. The resulting values of these three metals were then added to define the commercial value of each sampling site (in $\text{US}\$/\text{m}^2$).

22. The third step was to apply statistical methods to the results from sampling sites to be able to calculate the commercial value for the entire area under application. The method employed was the Krigging method, which accommodates regional sampling concentration and also evaluates large distances between individual sampling sites to arrive at an evenly distributed grid of data points; this grid then is used to produce a map of the estimated commercial value in increments of $\text{\$/m}^2$.

23. The last step was to divide the area into two parts of equal estimated commercial value. This was achieved iteratively, by first dividing the area and then calculating the areal size of each commercial-value increment. The results for all increments were then added. If in using this method the commercial values of two sub-areas were found to differ, the process was repeated with a slight geographical shift of the segment boundary. The remaining solution should also consider that sufficient sampling sites were included in each sub-area. The favoured solution suggests subdividing the western application area into an eastern and a western segment and the larger eastern area into a northern and southern segment.

24. The Commission noted that the applicant had expressed no preference with respect to the selection of the reserved area, but had left it to the Commission to make a recommendation to the Council based on its evaluation of the data and information submitted.

B. Evaluation

1. Bathymetry

25. The examination of bathymetric features in the application area was carried out by checking and comparing all maps and information provided by the applicant. The nature of the data available only allows the possibility of a regional analysis of the bathymetry and seafloor geomorphology.

26. The Commission was provided with charts of Krigged bathymetry based on widely spaced data points, along with regional geomorphological interpretative maps for the two areas. In addition to this, the proposal contains a descriptive summary of the seafloor features typically observed in the region.

27. While the bathymetric data and the geomorphological interpretations provide a general understanding of the seafloor topography and relief variations, there is insufficient information to quantify any significant differences between the areas, which might affect nodule abundance or exploration/exploitation operations.

28. Furthermore, owing to scarce data coverage, the Commission decided that it is not meaningful to assess the effect that the extrapolated bathymetry may have on the commercial value of these areas.

2. Nodule abundance and metal content

29. The application area covers two distinct regions. Each region was further divided by the applicant into two sectors, so as to produce two areas (sector W1 + sector E1 and sector W2 + sector E2) each covering approximately 75,000 square kilometres and having equal estimated commercial value. The coordinates and general location of sectors W1 and E1 and sectors W2 and E2 are shown in annex II to the present report. Sectors W1 (15,623 square kilometres) and E1 (61,648 square kilometres) have an aggregate area of 77,271 square kilometres; sectors W2 (18,462 square kilometres) and E2 (54,284 square kilometres) have an aggregate area of 72,746 square kilometres.² The difference between the areas is 4,525 square kilometres.

30. The application is based on data collected during the period from 1976 to 1978. The application area has a total of 624 nodule sampling stations. Sectors W1 and W2 have a total of 267 stations and sectors E1 and E2 have 357 stations. The nodule sampling stations are randomly distributed; sectors W1 and W2 have more regular distribution compared to sectors E1 and E2. In sectors E1 and E2 the nodule sampling stations are concentrated in the eastern part while the rest of the areas are irregularly sampled. The south-western portion has not been sampled at all.

31. The applicant defined commercial values as the same as combined metal values without the subtraction of investment and production costs. These make areas of high average content more favourable than the areas with high metal and abundance.

C. Summary and conclusions relating to the determination of equal estimated commercial value

32. The data in the two areas (W1+E1 and W2+E2) has been analysed and the following observations are made with regard to the nodule abundance and metal content:

(a) The bathymetric data do not indicate any special preference in the selection of the reserved area;

(b) Sectors W1 (15,623 square kilometres) and E1 (61,648 square kilometres) have an aggregate area of 77,271 square kilometres; sectors W2 (18,462 square kilometres) and E2 (54,284 square kilometres) have an aggregate area of 72,746 square kilometres. The difference between the areas is 4,525 square kilometres;

(c) Sectors W1 and E1 have a total of 329 sampling stations while sectors W2 and E2 have 295 sampling stations;

(d) The average abundance in both areas is nearly comparable with sectors W2 and E2 having 11.04 kg/m² and sectors W1 and E1 having 11.135 kg/m²;

² There is a small difference (of about 0.03 per cent) in the sizes in square kilometres of areas E and W compared to that of sectors E1 plus E2 and W1 plus W2, respectively. This difference is due to calculation of distances between meridians on the surface of the globe while the calculation of the sizes of areas E and W was based on a two-dimensional plane surface. For the calculation of each of the sectors its individual corrected latitudinal lengths were defined while for calculating the total size of area W the latitudinal reference used was 12.88°N; the same holds true for the area E with the latitudinal reference used for calculation being 11.43°N.

(e) The variance and standard deviation of the abundance in sectors W2 and E2 areas is considerably higher than that in sectors W1 and E1;

(f) The copper, nickel and cobalt content is marginally higher in sectors W1 and E1 (1.0689, 1.33, 0.18 per cent respectively) compared to sectors W2 and E2 (1.0683, 1.289, 0.171 per cent respectively);

(g) The commercial value as provided in the document for the two areas is nearly the same.

33. Evaluation of charts provided in the application shows that sectors W2 and E2 have large pockets of high commercial value (up to \$9/m²). Sectors W1 and E1 have a larger number of smaller size pockets of high commercial value (up to \$6/m²). From a commercial point of view, sector W2, which has a pocket of high commercial value, may be beneficial as the returns will be higher in the area. Around 20 per cent of sector W2 has a very high commercial value.

34. However, if the area has to be considered as a whole, there are around five or six smaller size pockets of high commercial value in sectors W1 and E1. But the high commercial value in sectors W1 and E1 is not more than in \$6/m² in most of the area. Sectors W2 and E2 are comparatively less sampled and also the abundance values show larger variability with high standard deviation values.

35. Based on the results of investigations and analysis of the data available at the present level of prospecting and exploration and taking into consideration the attendant uncertainty in the estimates, the Commission was of the view that both areas offered similar potentials in terms of finding competitive mine sites. However, based on the above considerations as to nodule abundance and metal contents, the Commission decided to recommend to the Council to designate sectors W2 and E2 as the area reserved for the Authority.

VII. CONSIDERATION OF DATA AND INFORMATION SUBMITTED FOR APPROVAL OF THE PLAN OF WORK FOR EXPLORATION

36. In accordance with regulation 18 of the Regulations, the application included data and information for approval of the plan of work for exploration:

(a) A general description and a schedule of the proposed exploration programme, including the programme of activities for the immediate five-year period, such as studies to be undertaken in respect of the environmental, technical, economic and other appropriate factors that must be taken into account in exploration (Application, attachment 5, section (a));

(b) A description of the programme for oceanographic and environmental baseline studies in accordance with the Regulations and environmental rules, regulations and procedures established by the Authority that would enable an assessment of the potential environmental impact of the proposed exploration activities, taking into account any recommendations issued by the Legal and Technical Commission (Application, attachment 5, section (b));

(c) A preliminary assessment of the possible impact of the proposed exploration activities on the marine environment (Application, attachment 5, section (c));

(d) A description of proposed measures for the prevention, reduction and control of pollution and other hazards, as well as possible impacts, to the marine environment (Application, attachment 5, section (d));

(e) A schedule of anticipated yearly expenditures in respect of the programme of activities for the immediate five-year period (Application, attachment 5, section (a) and page 96).

VIII. TRAINING PROGRAMME

37. In accordance with regulation 27 of the Regulations and articles 143 and 144 of the Convention, the application included a proposed training programme, described in Attachment 7 to the application as follows:

“(a) ISA shall define two persons to participate in German marine research cruises of opportunity. Participants will take part in the cruise and the work at sea and will then visit BGR in Hannover for a time period of four to six weeks. The training will include instructions on modern geophysical and geological survey methods, selection of suitable sites for sampling, conservation of samples taken in part for highly specialized investigations; training in Hannover will focus on planning and conceptual work and completion of a cruise report.

Cruises:

- I. 2006: RV SONNE cruise off Sumatra/Indonesia
- II. 2008: RV SONNE cruise to the licence area, central Pacific
- III. 2010: cruise to be determined

The costs equivalents for these measures are estimated to be 60,000 euro

(b) BGR together with the German institutes Geomar in Kiel, the University of Bremen and the Centre for Tropical Marine Ecology (ZMT) in Bremen will organize a four-month training course for two participants, to be selected by the ISA. This course will address issues of marine management.

The cost equivalents for these measures are estimated to be 30,000 euro.”

38. The Commission would suggest that the applicant should provide a more detailed elaboration of the proposed training programme prior to drawing up of the contract for exploration.

IX. CONCLUSION AND RECOMMENDATIONS

39. Having examined the particulars submitted by the applicant, which are summarized in parts III and V above, the Commission is satisfied that the application has been duly submitted in accordance with the Regulations and that the applicant:

- (a) Has complied with the provisions of the Regulations;
- (b) Has given the undertakings and assurances specified in regulation 14;
- (c) Possesses the financial and technical capability to carry out the proposed plan of work for exploration.

40. The Commission is satisfied that none of the conditions in regulation 21(6) of the Regulations apply.

41. With respect to the designation of a reserved area, the Commission recommends that the Council designate sectors W2 and E2, as shown in annex II, as the reserved area. The Commission recommends that sectors W1 and E1, as shown in annex II, be allocated to the applicant as its exploration area.

42. With respect to the proposed plan of work for exploration, the Commission is satisfied that the proposed plan of work for exploration will:

- (a) Provide for effective protection of human health and safety;
- (b) Provide for effective protection and preservation of the marine environment;

(c) Ensure that installations are not established where interference may be caused to the use of recognized sea lanes essential to international navigation or in areas of intense fishing activity.

43. Accordingly, pursuant to the 1994 Agreement, annex, section 1, paragraph 6(a)(i), and regulation 21(5), of the Regulations, the Commission recommends to the Council approval of the plan of work for exploration submitted by the Federal Republic of Germany.

Annex I

Coordinates and map of general location of the area under application

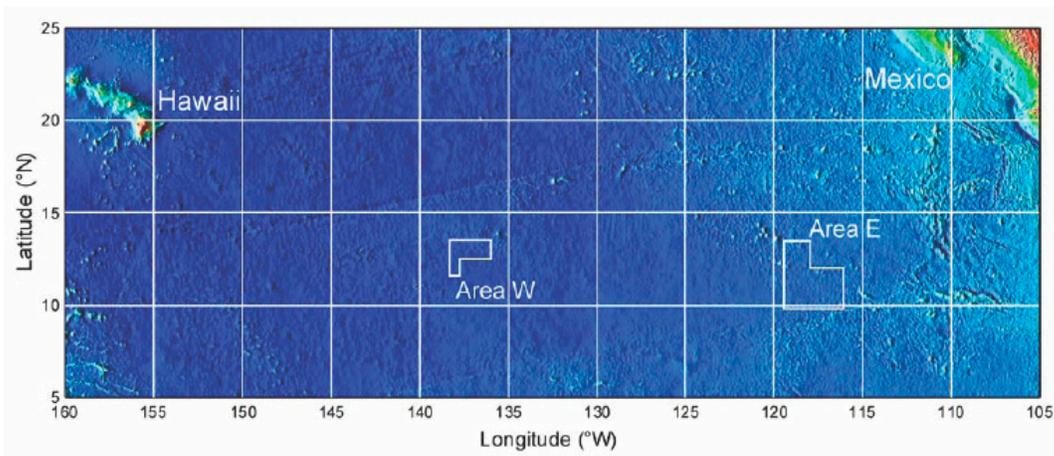
Area “W”

Starting point 1:	N 13°30’/W 138°22’
E to 2:	N 13°30’/W 136°00’
S to 3:	N 12°30’/W 136°00’
W to 4:	N 12°30’/W 137°50’
S to 5:	N 11°38’/W 137°50’
W to 6:	N 11°38’/W 138°22’ return
N to Starting point 1:	N 13°30’/W 138°22’

Area “E”

Starting point 1:	N 13°26’/W 119°25’
E to 2:	N 13°26’/W 118°00’
S to 3:	N 12°00’/W 118°00’
E to 4:	N 12°00’/W 116°04’
S to 5:	N 09°45’/W 116°04’
W to 6:	N 09°45’/W 119°25’ return
N to Starting point 1:	N 13°26’/W 119°25’

The total area under application amounts to 149,976 square kilometres. Area “W” has a total area of 34,080 kilometres, Area “E” has a total area of 115,896 square kilometres.



Annex II

Delineation of proposed reserved area and exploration area

Sector W1

Starting point 1:	N 13°30'/W 138°22'
E to 2:	N 13°30'/W 137°32'
S to 3:	N 12°30'/W 137°32'
W to 4:	N 12°30'/W 137°50'
S to 5:	N 11°38'/W 137°50'
W to 6:	N 11°38'/W 138°22' return
N to Starting point 1:	N 13°30'/W 138°22'

Sector W2

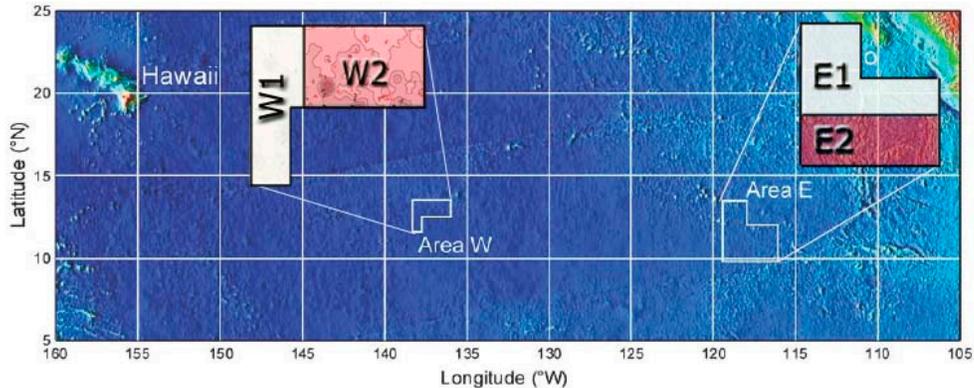
Starting point 1:	N 13°30'/W 137°32'
E to 2:	N 13°30'/W 136°00'
S to 3:	N 12°30'/W 136°00'
W to 4:	N 12°30'/W 137°32' return
N to Starting point 1:	N 13°30'/W 137°32'

Sector E1

Starting point 1:	N 13°26'/W 119°25'
E to 2:	N 13°26'/W 118°00'
S to 3:	N 12°00'/W 118°00'
E to 4:	N 12°00'/W 116°04'
S to 5:	N 11°05'/W 116°04'
W to 6:	N 11°05'/W 119°25' return
N to Starting point 1:	N 13°26'/W 119°25'

Sector E2

Starting point 1:	N 11°05'/W 119°25'
E to 2:	N 11°05'/W 116°04'
S to 3:	N 09°45'/W 116°04'
W to 4:	N 09°45'/W 119°25' return
N to Starting point 1:	N 11°05'/W 119°25'



Report of the Chairman of the Legal and Technical Commission on the work of the Commission during the eleventh session

Date: 19 August 2005

1. The Legal and Technical Commission met from 8 to 19 August 2005. Mr. Shahid Amjad, Ms. Frida Maria Armas Pfirter, Mr. Jean-Marie Auzende, Mr. Arne Bjørlykke, Mr. Galo Carrera Hurtado, Mr. Walter De Sá Leitão, Mr. Baïdy Diène, Mr. Miguel Dos Santos Alberto Chissano, Mr. Albert Hoffmann, Mr. Ivan F. Glumov, Mr. Yoshiaki Igarashi, Mr. Jung-Keuk Kang, Mr. Lindsay Murray Parson, Mr. Alfred Thomas Simpson, Mr. Mahmoud Samir Samy, Mr. Syamal Kanti Das, Mr. Adam M. Tugio, Mr. Michael Wiedicke-Hombach and Ms. Inge K. Zaamwani attended the meeting.
2. At its 1st meeting, the Commission observed a minute of silence in memory of Mr. Helmut Beiersdorf, a former member of the Commission. Members of the Commission paid tribute to Mr. Beiersdorf and acknowledged his valuable contribution to the work of the International Seabed Authority.
3. The Commission elected Mr. Baïdy Diène as Chairman. Mr. Lindsay Murray Parson was elected as Vice-Chairman, on the understanding that Mr. Parson would serve as Chairman at the twelfth session.
4. The Commission congratulated Mr. Albert Hoffmann on his recent election as a judge of the International Tribunal for the Law of the Sea.
5. At the eleventh session, the Commission considered the following items:
 - (a) The annual reports of contractors submitted pursuant to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area;¹
 - (b) Explanatory notes relating to the draft regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area;
 - (c) Review of an application for the approval of a plan of work, submitted by Germany represented by the German Federal Institute for Geosciences and Natural Resources;
 - (d) Information and recommendations of the workshop on polymetallic sulphides and cobalt-rich crusts: their environment and considerations for the establishment of environmental baselines and an associated monitoring programme for exploration;
 - (e) Update on progress with the geological model of the Clarion-Clipperton Fracture Zone and on the Kaplan project on the study of the biodiversity in the Clarion-Clipperton Zone;
 - (f) Other matters.

I. ANNUAL REPORT OF CONTRACTORS

6. The Commission considered and evaluated the annual reports of contractors submitted pursuant to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (“the Regulations”). The Commission noted that annual reports had been received from all the seven contractors: Deep Ocean Resources Development Ltd. (DORD), the Government of the Republic of Korea, China Ocean Mineral Resources Research and Development Association (COMRA), State Enterprise Yuzhmoregeologiya (Russian Federation), Interoceanmetal Joint Organization (IOM),

¹ ISBA/6/A/18, annex.

l'Institut français de recherche pour l'exploitation de la mer (IFREMER) and the Government of India.

7. A subcommittee, composed of Ms. Frida Maria Armas Pfirter, Mr. Galo Carrera Hurtado, Mr. Walter De Sá Leitão, Mr. Baïdy Diène, Mr. Miguel Dos Santos Alberto Chissano, Mr. Alfred Thomas Simpson and Mr. Michael Weidicke-Hombach, carried out a preliminary examination of the annual reports in the light of the original five-year programme of work of the contractors and prepared a draft evaluation report for consideration by the Commission.

8. The Commission noted that all contractors had submitted reports and that the reports showed improvements in both form and content from previous years. The Commission recommended that the contractors' reports should also contain information and references to relevant documents and scientific publications that have arisen as a result of activities under the contract.

9. The Commission considered that the Secretariat should receive all of the information referred to in the reports, including maps, charts, and graphs, as well as the results of tests, observations, measurements, evaluations and analyses of environmental parameters, as provided in section 10, annex 4, to the standard clauses for exploration contracts. Information about the storage and condition of samples of polymetallic nodules retained by the contractor, as outlined in paragraph 10.4 of annex 4, should also be included.

10. The Commission noted that in accordance with paragraph 10.2 (c) of annex 4 of the standard clauses for exploration contracts contained in the Regulations, contractors could claim as a part of the development costs any actual and direct exploration expenditures incurred by the contractor. The Commission therefore recommended that certified and audited statements provided by contractors should give a clear indication of such actual and direct exploration expenditure for specified activities within the original plan of work or any adjustments thereto.

11. The Commission recalled that regulation 28 of the Regulations provides for periodic review of the implementation of the plan of work for exploration at intervals of five years. It also provides that the Secretary-General may request the contractor to submit additional data and information as may be necessary for the purposes of the review. As part of the review, the contractor shall indicate its programme of activities for the following five years, making such adjustments to its previous programme of activities as are necessary. The Secretary-General is required to report on the review to the Commission and the Council.

12. The Commission noted that the year 2006 will mark the end of the first five-year programme of work since the contracts were issued. This would be an opportunity for the contractors to provide a comprehensive account of the work carried out and results obtained during this period, as well as a review of the expenditure incurred during the five-year programme. In order to facilitate the review, a summary of the exploration expenditure incurred during the five-year period should be provided. Since such expenditure is to be set off against the development costs, it should be duly recorded by the Secretary-General. This summary of activities and expenditure for the five-year period would be in addition to the 2005 annual report of contractors.

13. The Commission noted that, in the case of some of the contractors, there have been significant variations in the projected expenditure, which might suggest changes in the original five-year programme of work. In such cases, the Commission recommends that the contractor submit a revised programme of work to the Secretary-General in accordance with section 4, paragraph 4.4 of annex 4, of the Regulations.

14. The Commission recommended that a similar review take place at each five-year period, as provided in the regulations, and that the expenditure incurred during the five-year period be duly recorded for future reference in order to avoid any possible misunderstanding regarding costs that may be claimed as development costs.

15. The Commission expressed its appreciation to the members of the evaluation subcommittee.

II. EXPLANATORY NOTES RELATING TO THE DRAFT REGULATIONS FOR PROSPECTING AND EXPLORATION FOR POLYMETALLIC SULPHIDES AND COBALT-RICH FERROMANGANESE CRUSTS IN THE AREA

16. The Commission prepared a set of explanatory notes relating to the draft regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts for the information of the Council. The objective of these notes was to provide information to the Council regarding the rationale followed by the Commission during its formulation of some of the key elements of the draft regulations contained in document ISBA/10/C/WP.1. The Council had requested these notes following preliminary discussion of the draft regulations at the tenth session. The explanatory notes are contained in document ISBA/11/C/5.

17. Five areas of uncertainty requiring clarification were raised during the Council discussion during the tenth session as follows:

- (a) The reasons for the establishment of a single set of regulations for the two types of resources, rather than different ones for each type;
- (b) The reasons why the exploration block size was chosen as a 10 by 10 kilometre cell;
- (c) The reasons why the number of blocks to be allocated to an exploration programme was chosen to be 100;
- (d) The reasoning behind the requirement that all blocks in a single application were contiguous before relinquishment;
- (e) The reasoning behind the rate and apportionment of blocks during relinquishment.

18. Each of these points was addressed in the explanatory notes. Specifically, the members of the Commission noted the following:

- The rules and regulations of polymetallic sulphides and cobalt-rich ferromanganese crusts must provide a system of fair competition between exploration companies.
- From a technical point of view, the proposed set of regulations for cobalt-rich ferromanganese crusts and polymetallic sulphides is mainly based on similarities in the size of a mining site.
- The block size of 10 by 10 kilometres is suggested because it will cover a normal mining block and will put a limit on the size of an exploration area.
- The 10 by 10 kilometre block size is the most practical when making the application and, later, during the relinquishment of part of the exploration area.
- The exploration area will consist of up to 100 blocks or 10,000 square kilometres. By using several blocks, the exploration area can be constructed in many shapes.
- Polymetallic sulphide deposits are found along actively spreading mid-ocean or back arc ridge systems. More than 230 such sites have been detected along the 60,000 kilometres of the world ridge system, of which 140 have been observed directly. Without contiguity in the exploration area, a single company can claim 100 of the 230 sites. A similar problem of cherry-picking exists for cobalt crusts related to seamounts.
- In the explanatory notes, paragraph 7, the statement about mineable water depth for cobalt crusts can be misunderstood. The richer part of the cobalt crust occurs between a depth of 500 and 2,500 metres. The shallower part, between 500 and 1,500 metres, will probably be mined first.

19. The Commission recalled the request by the Russian Federation to adopt rules, regulations and procedures for prospecting and exploring seafloor massive sulphide deposits and ferromanganese crusts in the Area in 1998. To prepare for the work in this regard, the Authority convened a workshop in Kingston in June 2000 on mineral resources other than polymetallic

nodules. This workshop was attended by leading scientists. During the five-day workshop, intensive discussions were held and the outcome is contained in a two-volume publication.² At the seventh session of the Authority, in 2001, document ISBA/7/C/2, which contains considerations relating to the regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the Area, was made available to the Council. The Council was also provided with an audio-visual briefing on the characteristics of polymetallic sulphides and cobalt-rich crusts and their known locations by leading experts in the field. A summary of the presentations is contained in document ISBA/8/A/1. During its deliberations of the draft regulations at the tenth session, the Commission also had the benefit of advice from three internationally renowned experts. Specifically, the Commission exchanged views and solicited advice on matters relating to the size of the exploration area, the system of exploration to be recommended in the light of the experience with the system for polymetallic nodules, and other options (ISBA/10/LTC/CRP.1).

20. In addition, in document ISBA/11/C/5, the Commission also addressed the environmental considerations in the draft regulations. It considered that it would be useful to provide additional information to the Council explaining why the Commission put greater emphasis in these draft regulations on the protection and preservation of the marine environment, as compared to the regulations for nodules.

21. In particular, the Commission recalls the way in which polymetallic sulphides and cobalt-rich ferromanganese crusts occur in parts of the marine environment that are known to host complex and, in many ways, unique marine ecosystems that may be susceptible to anthropogenic impact. There is some potential for serious and permanent harm in these areas during prospecting and exploration. While this may also be the case to some extent with nodule mining, nodule deposits, by their very nature, cover so wide an area that the extent of such harm may be mitigated. For sulphides occurring at active sites, the deposits are very localized, hence the potential impact at a mine site is likely to be significant. For these reasons, there has been much more emphasis on the protection and preservation of the marine environment in the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area.

III. REVIEW OF AN APPLICATION FOR THE APPROVAL OF A PLAN OF WORK FOR EXPLORATION FOR POLYMETALLIC NODULES

22. The Commission considered an application for approval of a plan of work for exploration for polymetallic nodules submitted by Germany represented by the German Federal Institute for Geosciences and Natural Resources. Mr. Michael Wiedicke-Hombach did not participate in the consideration of this application by the Commission. The report and recommendations of the Commission to the Council are contained in document ISBA/11/C/7.

IV. INFORMATION AND RECOMMENDATIONS OF THE WORKSHOP ON POLYMETALLIC SULPHIDES AND COBALT-RICH CRUSTS: THEIR ENVIRONMENT AND CONSIDERATIONS FOR THE ESTABLISHMENT OF ENVIRONMENTAL BASELINES AND AN ASSOCIATED MONITORING PROGRAMME FOR EXPLORATION

23. The Commission took note of a report prepared by the secretariat for the Commission containing the recommendations of the workshop held in Kingston in September 2004 (ISBA/11/LTC/2). As with previous seminars, the Commission felt that it was a useful workshop. The Commission considered that although the recommendations would be useful when preparing

² *Minerals Other than Polymetallic Nodules of the International Seabed Area*, proceedings of a workshop held in June 2000 at Kingston, Jamaica.

environmental guidelines for crusts and sulphides, it would be premature to consider guidelines until the draft regulations had been finalized. The Commission therefore deferred detailed consideration of the recommendations.

V. UPDATE ON PROGRESS WITH THE GEOLOGICAL MODEL OF THE CLARION-CLIPPERTON FRACTURE ZONE AND ON THE KAPLAN PROJECT ON THE STUDY OF THE BIODIVERSITY IN THE CLARION-CLIPPERTON ZONE

24. The Commission took note of a report on the status of the development of the geological model for the Clarion-Clipperton Zone (ISBA/11/LTC/1). The document included a summary of a meeting held in Kingston from 25 to 27 May 2005, to discuss the specific contributions of the contractors and their participation in the development of the model. The document also included the key milestones of the project.

25. In addition, Dr. Charles Morgan, of Planning Solutions, Inc., Honolulu, Hawaii, was invited to make a presentation to the Commission, as the external coordinator of the project, regarding the progress of the geological model.

26. The Commission took note of the second annual report of the Kaplan project (ISBA/11/C/CRP.1), which outlined the work carried out in 2004 and the results that were obtained.

VI. OTHER MATTERS

27. The Commission recalled that, at the tenth session, members had expressed the wish to have an opportunity to discuss the annual report of the Secretary-General since it covered several important matters that related to the work of the Commission. This would help the Commission to be more proactive in its work. Accordingly, the Commission had an opportunity to discuss the report of the Secretary-General to the eleventh session of the Assembly and to exchange views with the Secretary-General on the content of the report.

28. During the course of the discussions, some members emphasized the value of the technical workshops organized by the Authority. It was proposed that at least 5 to 10 members of the Commission participate in the workshops organized by the Authority.

29. The Commission noted that the technical work of the Commission was becoming more specialized in nature and pointed out that in certain disciplines, including marine geology and geophysics, biology, oceanology, protection of the marine environment, and economic and legal matters relating to ocean mining, the necessary expertise within the Commission needed strengthening. It recommended that the Council draw the attention of States parties to this issue, with a view to nominating such experts as candidates in the next election of members of the Commission in 2006. Members of the Commission also expressed their concern that not all the expertise available with the Commission was utilized since some members had not attended the session in the past two years.

30. The Commission noted the importance of the voluntary trust fund, which facilitated the participation of members from developing countries in the meetings of the Commission. The Commission was also concerned that the fund would soon be exhausted and supported the need for its replenishment. It also felt that the administration of such a fund should be further streamlined in line with the standard practice of the United Nations and that consideration also be given to members to apply directly for assistance from the fund in their capacity as individual experts, without the need to go through their respective Governments.

31. The Commission requested that its agenda for the next session include an item to consider environmental issues in a broader context within the scope of its mandate. This is an important part of the mandate of the Commission. To fulfil its obligation in that regard, the Commission established an open-ended environmental working group to be coordinated by Ms. Frida Maria Armas Pfirter. A core membership of the working group will exchange views and documents

through e-mail. The Commission requested that the Secretary-General identify a staff member to be involved in this work.

32. The Commission suggested that due to recent changes in the metal market and technological advances, the Secretariat should consider convening in the near future a workshop on the possibility of commercial mining production in the Area.

**ISBA/11/C/10 Decision of the Council relating to a request for approval
of a plan of work for exploration by the Federal Republic
of Germany represented by the German Federal Institute
for Geosciences and Natural Resources**

Date: 23 August 2005

The Council of the International Seabed Authority, acting on the recommendation of the Legal and Technical Commission,

Noting that, on 21 July 2005, a request for approval of a plan of work for exploration for polymetallic nodules was submitted to the Secretary-General of the International Seabed Authority in accordance with the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (“the Regulations”) by the Federal Republic of Germany represented by the German Federal Institute for Geosciences and Natural Resources,

Recalling that, in accordance with paragraph 6 (a) (i) of section 1 of the Annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Agreement”), a plan of work for exploration submitted on behalf of a State or entity, or any component of such entity, referred to in resolution II, paragraph 1 (a) (ii) or (iii), other than a registered pioneer investor, which had already undertaken substantial activities in the Area prior to the entry into force of the Convention, or its successor in interest, shall be considered to have met the financial and technical qualifications necessary for approval of a plan of work if the sponsoring State or States certify that the applicant has expended an amount equivalent to at least US\$ 30 million in research and exploration activities and has expended no less than 10 per cent of the amount in the location, survey and evaluation of the area referred to in the plan of work,

Further recalling that, in accordance with paragraph 6 (a) (i) of section 1 of the Annex of the Agreement, if the plan of work otherwise satisfies the requirements of the Convention and any rules, regulations and procedures adopted pursuant thereto, it shall be approved by the Council in the form of a contract,

Having considered the report and recommendations of the Legal and Technical Commission concerning the request contained in document ISBA/11/C/7,

1. Decides, on the basis of the data and information submitted by the Federal Republic of Germany, and taking into account the recommendation of the Legal and Technical Commission, to designate Sectors W2 and E2 as specified in annex II of document ISBA/11/C/7 as the area reserved for the Authority, pursuant to paragraph 2 of regulation 16 of the Regulations;

2. 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;

3. Approves the plan of work for exploration submitted by the Federal Republic of Germany;

4. Requests 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.

**ISBA/11/C/11 Statement of the President on the work of the Council at
the eleventh session**

Date: 24 August 2005

1. The eleventh session of the International Seabed Authority was held at Kingston from 15 to 26 August 2005.

ADOPTION OF THE AGENDA

2. At its 94th meeting, on 15 August 2005, the Council adopted the agenda for the eleventh session (ISBA/11/C/1).

ELECTION OF THE PRESIDENT AND VICE-PRESIDENTS OF THE COUNCIL

3. At the 94th meeting, on 15 August 2005, Park Hee-kwon (Republic of Korea) was elected President of the Council for 2005. Subsequently, following consultations in the regional groups, the representatives of Jamaica (Latin American and Caribbean States Group), Canada (Western European and Other States Group), Russian Federation (Eastern European Group) and Nigeria (African Group) were elected as Vice-Presidents.

ELECTION TO FILL VACANCIES ON THE LEGAL AND TECHNICAL COMMISSION

4. Michael Wiedicke-Hombach (Germany), Mahmoud Samir Samy (Egypt), Adam M. Tugio (Indonesia) and Syamal Kanti Das (India) were elected to fill the vacancies on the Legal and Technical Commission caused by the death of Helmut Beiersdorf (Germany) and the resignations of Mohammed M. Gomaa (Egypt), Ferry Adamhar (Indonesia) and M. Ravindran (India).

**CONSIDERATION AND APPROVAL OF THE RECOMMENDATION OF THE LEGAL AND
TECHNICAL COMMISSION OF THE APPROVAL OF A PLAN OF WORK FOR
EXPLORATION FROM GERMANY**

5. At its 100th meeting, on 22 August 2005, the Council considered the report and recommendations of the Legal and Technical Commission relating to an application for approval of a plan of work for exploration for polymetallic nodules in the International Seabed Area by Germany, represented by the Federal Institute for Geosciences and Natural Resources of Germany.

6. A total of 23 members of the Council and 2 observers spoke to welcome the application by Germany. The Secretary-General said that the consideration and approval of the German application within the framework of the United Nations Convention on the Law of the Sea and the 1994 Agreement relating to the Implementation of Part XI of the Convention, as well as the Regulations for Prospecting and Exploration for Polymetallic Nodules in the Area represented an important milestone. The application for a plan of work for exploration by Germany was the first such new application to have been made since the Convention had entered into force. As such, it represented

confidence in the International Seabed Authority and in the system established to administer the resources of the Area. The representative of Germany expressed his appreciation to the Council for its approval of the plan of work for exploration. He took note of the interest expressed by members of the Council in the training programme proposed by Germany and explained that training would be provided for up to 10 people. The details of the training would be developed in due course, prior to signature of the contract for exploration.

7. The Council, acting on the basis of the data and information submitted by Germany and the recommendation of the Legal and Technical Commission, decided to designate Sectors W2 and E2 as specified in annex II of document ISBA/11/C/7 as the area reserved for the Authority. It further decided to allocate Sectors W1 and E1 as specified in the same document as the exploration area for Germany. The Council also decided to request the Secretary-General to take the steps necessary to issue the plan of work for exploration in the form of a contract between the Authority and Germany. The decision of the Council is contained in document ISBA/11/C/10.

REPORT OF THE FINANCE COMMITTEE

8. At its 101st meeting, on 22 August 2005, the Council received the report of the Finance Committee, contained in document ISBA/11/A/8-ISBA/11/C/9.

9. The Council took note of the report and decided to recommend to the Assembly to adopt the following recommendations made by the Finance Committee:

- (a) To appoint Deloitte & Touche as independent auditor for 2005 and 2006;
- (b) To urge the members of the Authority to pay their assessed contributions to the budget on time and in full and to contribute to the voluntary trust fund;
- (c) To approve the assessed contributions of Burkina Faso, Denmark and Latvia, which had become new members of the Authority in 2004 and 2005, towards the administrative budget of the Authority and the Working Capital Fund for 2004 and 2005;
- (d) To approve the recommendations relating to the balance of the fund for fees paid by former registered pioneer investors contained in paragraph 12 of the Committee's report.

REPORT OF THE LEGAL AND TECHNICAL COMMISSION

10. At its 102nd meeting, on 23 August 2005, the Council received a report of the Chairman of the Legal and Technical Commission (ISBA/11/C/8) on the work of the Commission during the eleventh session. The Council acknowledged with appreciation the work done by the Commission and took note of the contents of the report. With respect to the voluntary fund to support the participation of members of the Commission from developing countries, the representative of Trinidad and Tobago announced the intention of his Government to contribute the sum of \$10,000 to the fund.

11. In response to questions raised by several delegations concerning the size and composition of the Commission, the Secretary-General reminded the Council that, at previous elections, the Council had used its powers under article 163, paragraph 2, of the Convention to increase the size of the Commission, but that this had been without prejudice to future elections. The next election of all the members of the Legal and Technical Commission would take place in 2006. Members of the Council took note in particular of the need for members of the Commission to have an appropriate mix of relevant skills and qualifications, as envisaged in article 165 of the Convention.

12. The Secretary-General informed the Council that he had taken note of the various concerns and suggestions raised by the Legal and Technical Commission relating to possible future workshops by the Authority and the future work of the Commission and that he would examine how the concerns of the Commission could be accommodated within the work programme of the Authority. Several members of the Council also commented on the review and evaluation by the

Commission of the annual reports of contractors. It was noted that the relationship between the contractors and the Authority was governed by the standard clauses contained in the Regulations for Prospecting and Exploration for Polymetallic Nodules in the Area. The Regulations also set out in detail the procedures for periodic review of the plan of work for exploration through consultations between contractors and the Secretary-General as well as the procedures for reporting thereon to the Commission and to the Council.

**CONSIDERATION OF THE DRAFT REGULATIONS FOR PROSPECTING AND
EXPLORATION FOR POLYMETALLIC SULPHIDES AND COBALT-RICH
FERROMANGANESE CRUSTS IN THE AREA**

13. The Council carried out a first reading of the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts proposed by the Legal and Technical Commission (ISBA/10/C/WP.1).

14. The Council took note of the explanatory notes provided by members of the Legal and Technical Commission in document ISBA/11/C/5. Nevertheless, the Council considered that further explanation and elaboration was required with respect to certain aspects of the draft regulations. The Council requested the Secretary-General, in consultation, as necessary, with the Legal and Technical Commission, to provide the Council with a more detailed analysis and elaboration of the following aspects of the draft regulations:

(a) With respect to prospecting, the Council requested further clarification of the relationship between prospecting and exploration and the justifications for the specific changes proposed by the Commission;

(b) With respect to the size of areas for exploration, the Council requested that further information be provided on the proposed system of allocating exploration blocks and the way in which it might operate in practice, as well as on the proposed schedule for relinquishment and its consistency with the provisions of the Convention;

(c) With respect to draft regulations 16 and 19, relating to the proposed system for participation by the Authority, the Council requested a more detailed analysis of how the draft provisions might operate in practice in the light of the comments and opinions expressed in the Council.

15. It was noted that, compared to the regulations on prospecting and exploration for polymetallic nodules, the draft regulations contained additional provisions aimed at protection and preservation of the marine environment. Many members of the Council supported the need for effective protection of the marine environment from the actual and potential adverse impacts of exploration activities. It was noted that some of the studies carried out by the Authority had suggested there was a greater risk of environmental damage from exploration for sulphides and crusts compared to exploration for polymetallic nodules, where the risk was comparatively low. Nevertheless, the Council also considered that it would be helpful if it could be provided with a more detailed analysis of the proposed changes to the draft regulations and their relationship to the provisions of the Convention and the Agreement. Particular concern was raised over the proposed changes to the language in draft regulations 33 to 36. It was suggested that further explanation of these changes would be useful.

16. The Council further noted that it would be necessary for the draft regulations to include appropriate provision, consistent with the Convention and the Agreement, for resolving overlapping claims made by different applicants. It was also noted that the draft regulations did not appear to reflect fully the anti-monopoly provisions contained in Annex III of the Convention. The Secretary-General was requested to provide clarification on these issues at the next session.

17. The Council agreed to resume consideration of the draft regulations at its next session. In the meantime, the secretariat would prepare a revised text of the draft in order to address some of the technical issues that had been raised during the session as well as to correct a number of errors

in translation that had been noted by delegations. The secretariat would also provide additional technical papers and analyses of the more complex issues to guide the discussions of the Council at its next session. These would be made available well in advance of the session so that members of the Council would have adequate time to consider the issues in detail.

NEXT MEETING OF THE COUNCIL

18. The next meeting of the Council will be held in 2006.
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Appears in this publication.*

**CUMULATIVE INDEX TO THE MAIN DOCUMENTS
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Note: This cumulative index contains a complete list of the main documents of the Assembly and Council from the first session (1994) to the tenth session (2004). Documents of the International Seabed Authority begin with the letters “ISBA”. Documents of the first two sessions do not have a sessional number (e.g. ISBA/A/1), but from the third session on they do (e.g. ISBA/3/A/1). Formal Assembly and Council documents each appear in four series, -/ 1; - L.1; -/WP.1; and -/INF.1, corresponding to main documents, documents with limited distribution, working papers and information papers respectively. In addition to A and C documents there are the following series:

- ISBA/FC (Finance Committee)
- ISBA/LTC (Legal and Technical Commission)

The Authority does not keep verbatim or summary records of meetings. Sound recordings are made and retained by the Secretariat. Official accounts of the work of the Authority are to be found in the successive statements of the Presidents of the Assembly and the Council on the work of their organs, and the annual reports of the Secretary-General.

The Authority publishes annually a compendium of selected decisions and documents from each session, cited as, e.g. Selected Decisions 10, 1-10. Where applicable, the index below indicates the reference in the appropriate volume of the Selected Decisions.

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SIXTH SESSION (2000)

Assembly

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SEVENTH SESSION (2001)

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Assembly

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Assembly

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