



SELECTED DECISIONS AND DOCUMENTS OF THE SEVENTH 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: 18 May 2001

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”). The report covers the period from July 2000 to June 2001.

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 of 31 May 2001, there were 135 States parties to the Convention.

3. The Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 was adopted on 28 July 1994 by the General Assembly of the United Nations in its resolution 48/263 and entered into force on 28 July 1996. After the adoption of the Agreement, any instrument of ratification or formal confirmation of or accession to the Convention shall also represent consent to be bound by the Agreement. No State or entity may establish its consent to be bound by the Agreement unless it has previously established or establishes at the same time its consent to be bound by the Convention.

4. It continues to be a matter of concern that, as of 31 May 2001, 35 members of the Authority which became States parties to the Convention prior to the adoption of the Agreement had not yet completed the necessary procedural steps to become parties to the Agreement. Those States are: Angola, Antigua and Barbuda, Bahrain, Bosnia and Herzegovina, Botswana, Brazil, Cameroon, Cape Verde, Comoros, Costa Rica, Cuba, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Gambia, Ghana, Guinea-Bissau, Guyana, Honduras, Iraq, Kuwait, Mali, Marshall Islands, Mexico, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Somalia, Sudan, Tunisia, Uruguay, Viet Nam and Yemen. On 20 December 2000, the Secretary-General circulated a note verbale to the States parties mentioned above, drawing their attention to the report of the Secretary-General for 2000¹ and to paragraph 1 of United Nations General Assembly resolution 55/7 of 30 October 2000 calling upon all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention and the Agreement.

III. SESSIONS OF THE AUTHORITY

5. The resumed sixth session of the Authority was held from 3 to 14 July 2000. The first part of the sixth session was held from 20 to 31 March 2000. Liesbeth Lijnzaad (Netherlands) was elected President of the Assembly for the sixth session. The main achievement of the Assembly during the sixth session of the Authority was the approval of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area,² following the adoption of the Regulations by the Council at the same session. The Council

also approved the Rules of Procedure of the Legal and Technical Commission³ and the Staff Regulations of the Authority.

6. During the resumed sixth session, the Assembly also considered, in accordance with article 154 of the Convention, the matter of a general and systematic review of the manner in which the international regime of the Area established in the Convention had operated in practice. After consideration of the matter, the Assembly concurred with the recommendation of the Secretary-General, contained in his report,⁴ that in the light of the very short experience of the Authority in implementing the regime, it would be premature for the Assembly to take any measures at the current stage.

IV. RELATIONS WITH THE HOST COUNTRY

7. On 10 March 1998, the Minister for Foreign Affairs and Foreign Trade of Jamaica had informed the Secretary-General by letter that the Government of Jamaica had decided to offer the building currently occupied by the Authority for the permanent use and occupation of the Authority as its headquarters.⁵ The Secretary-General informed the Assembly of the offer on 17 March 1998, noting that clarification would have to be obtained from the Government of Jamaica with respect to the terms and conditions of the offer and that a report on the financial and other implications of the offer for the Authority would be prepared as soon as relevant information was available. Of particular concern were the maintenance costs, the structural condition of the building, the condition of major equipment and the question of refurbishment.

8. The Secretary-General reported to the Assembly on the offer by the Government of Jamaica at the fifth session of the Authority, in August 1999.⁶ After consideration of the Secretary-General's report, the Finance Committee recommended to the Assembly that it accept the offer on the basis that the Authority would occupy such space within the building as might be required. The Finance Committee also recommended that the Secretary-General should pursue negotiations with the host country, based on the most complete information available, in order to secure the best terms for the maintenance of the premises.⁷

9. At its 67th meeting, on 25 August 1999, the Assembly approved the Agreement between the International Seabed Authority and the Government of Jamaica concerning the headquarters of the Authority and accepted with appreciation the offer of the Government of Jamaica for a long-term lease of the second floor and such other space as might be required in the building for the use and occupation by the Authority as its permanent headquarters.⁸ The Assembly further requested the Secretary-General to negotiate with the Government of Jamaica, pursuant to article 2 of the Headquarters Agreement, a supplementary agreement concerning the use and occupation of the permanent headquarters. At the 68th meeting, on 26 August 1999, in a formal ceremony, the Headquarters Agreement was signed by the Secretary-General, on behalf of the Authority, and by the Deputy Prime Minister and Minister for Foreign Affairs of Jamaica, the Hon. Seymour Mullings, on behalf of the Government of Jamaica.

10. In October 1999, the Secretary-General invited the Government of Jamaica to commence as soon as possible the negotiations on the supplementary agreement. In November 1999, the Government of Jamaica indicated that it was making the necessary internal arrangements for the internal transfer of the title to the proposed headquarters building. Consequently, it was not until May 2000 that a preliminary round of discussions could take place between the Authority and the Government. During those discussions, the Secretary-General requested the Government of Jamaica to provide accurate and

transparent information concerning the actual costs of maintenance of the headquarters building. His request was followed up in writing on 7 June 2000. Following further communications in writing from the Secretary-General on 15 December 2000 and 8 March 2001, a meeting was convened with the representatives of the Government of Jamaica on 24 May 2001. However, no further information was made available at the meeting with respect to the request of the Secretary-General. As at the date of the present report, therefore, no supplementary agreement is in place and, despite the best efforts of the Authority, the Secretary-General is unable to report any substantive progress in the negotiations.

V. PROTOCOL ON PRIVILEGES AND IMMUNITIES

11. The Protocol on the Privileges and Immunities of the International Seabed Authority, adopted by the Assembly at its 54th meeting, on 26 March 1998, was opened for signature in Kingston on 26 August 1998. In accordance with its article 16, the Protocol remained open for signature at United Nations Headquarters in New York until 16 August 2000. As at that date, the Protocol had been signed by 28 members of the Authority: Bahamas, Brazil, Chile, Côte d'Ivoire, Czech Republic, Egypt, Finland, Ghana, Greece, Indonesia, Italy, Jamaica, Kenya, Malta, Namibia, Netherlands, Oman, Pakistan, Portugal, Saudi Arabia, Senegal, Spain, Slovakia, Sudan, Trinidad and Tobago, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and Uruguay. The Protocol has been ratified by Slovakia, Spain and the United Kingdom. On 8 September 2000, Croatia acceded to the Protocol. The Protocol will enter into force 30 days after the date of deposit of the tenth instrument of ratification or accession. It is hoped that States members of the Authority will give consideration to the early ratification of or accession to the Protocol.

VI. PERMANENT REPRESENTATIVES TO THE AUTHORITY

12. As at 31 May 2001, Argentina, Brazil, Chile, China, Costa Rica, Cuba, France, Gabon, Germany, Haiti, Italy, Jamaica, Mexico, the Netherlands and Trinidad and Tobago had established permanent missions to the Authority.

VII. THE SECRETARIAT

13. The Secretariat is organized into four main functional areas: Office of the Secretary-General; Office of Administration and Management; Office of Legal Affairs; and Office of Resources and Environmental Monitoring. The approved establishment of the Secretariat for 2001 was 37 posts. It was noted in the report of the Secretary-General to the sixth session⁹ that a number of Professional posts were vacant, and it had been anticipated that those posts would be filled by the end of 2000. Unfortunately, it was not possible to fill the posts and there continue to be vacancies at the Professional level in certain key areas. While recruitment and selection procedures were carried out for all posts, and candidates identified for a number of positions, it proved impossible to attract candidates with appropriate qualifications and experience for all posts. In a number of cases, following the interview and selection process candidates who were selected declined to accept the offer of positions with the Authority.

14. Pending the adoption of its own regulations, the Authority applied, *mutatis mutandis*, the Staff Regulations of the United Nations. Draft staff regulations for the Authority were reviewed by the Finance Committee in 1999. During the resumed sixth session, the Council considered the draft Staff Regulations and decided, pursuant to article 162,

paragraph 2 (o) (ii), of the Convention, to adopt and apply provisionally the Staff Regulations pending their approval by the Assembly. Subsequently, in accordance with the Staff Regulations, the Secretary-General promulgated Staff Rules for the Authority. At the same time, the Secretariat has commenced discussions with the United Nations Administrative Tribunal with a view to implementing the provisions of the Staff Regulations relating to appeals against administrative decisions.

15. During the period under review, essential refurbishment work to the portion of the headquarters building occupied by the Authority was completed. As a result, significant improvements have been made to the working environment for staff members, conference-servicing staff and delegates. Although all refurbishment was carried out at the Authority's expense, this was achieved through utilizing savings in the approved budget and resulted in no additional budgetary implication for members of the Authority. It must be recalled in this regard that no maintenance or replacement of furniture, fittings and carpets had been carried out since the allocation of the present building to the Kingston Office for the Law of the Sea in 1983.

VIII. BUDGET AND FINANCE

A. Budget

16. In accordance with the Convention and the 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.

17. The budget of the Authority for the financial period 2001-2002 is the first budget to cover a two-year financial period, as envisaged in the Financial Regulations of the Authority. Following the review of the Secretary-General's proposed budget by the Finance Committee¹⁰ and the decision and recommendation of the Council in relation to the budget,¹¹ the Assembly adopted the budget of the Authority for the financial period 2001-2002 in the sum of US\$10,506,400. The Assembly also authorized the Secretary-General to establish the scale of assessment for the financial period 2001-2002 based on the scale used for the regular budget of the United Nations for 2000 and 2001 respectively.

B. Status of contributions

18. As at 31 May 2001, contributions to the 2001 budget had been received from 38 members of the Authority. The total amount received was \$1,834,518, or 38 per cent of the total assessed contributions. As at the same date, contributions to the 2000 budget had been received in full from 68 members of the Authority and in part from 45 members of the Authority. The total amount received was \$5,047,167, or 98 per cent of the total budget for 2000. The Working Capital Fund as at 31 May 2001 stood at \$324,130 (74 per cent of the total).

19. In respect of the budget for 2000, contributions of \$123,533 (2 per cent of the budget) remained outstanding from 64 members of the Authority as at 31 May 2001, while in respect of the 1999 budget, contributions of \$47,456 (1 per cent of the budget) remained outstanding from 49 members of the Authority. As at 31 May 2001, 49 members of the Authority were in arrears of contributions for a period exceeding two years. In accordance with article 184 of the Convention and rule 80 of the Rules of Procedure of the Assembly, a member of the Authority which 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 the contribution due from it for the preceding two full years.

20. In addition to the above, assessed contributions of \$1,256,099 remain outstanding from four former provisional members of the Authority. As noted in the audit report for 2000, these amounts must be recovered.

C. Audit

21. In accordance with article 175 of the Convention, the records, books and accounts of the Authority, including its annual financial statements, shall be audited annually by an independent auditor appointed by the Assembly. At the resumed sixth session, in July 2000, in accordance with the recommendation of the Finance Committee, the Assembly appointed KPMG Peat Marwick to audit the Authority for 2000. An audit was conducted in April 2001. Having reviewed the accounts, transactions and operations of the Authority, the auditors were satisfied that the financial statements presented fairly, in all material respects, the financial position of the Authority and that the financial business of the Authority had been conducted in accordance with the Financial Regulations.

IX. SUBSTANTIVE WORK OF THE AUTHORITY

A. Regulations for prospecting and exploration for polymetallic nodules in the Area

22. According to the mandate provided by the Convention and the Agreement, the elaboration and adoption of rules, regulations and procedures for exploration for polymetallic nodules is one of the major legislative tasks of the Authority. Such rules, regulations and procedures shall incorporate applicable standards for the protection and preservation of the marine environment. The Legal and Technical Commission commenced work on the draft regulations for prospecting and exploration for polymetallic nodules in March 1997 and completed its work in March 1998, when the draft regulations proposed by the Commission were submitted to the Council.¹²

23. During the resumed fourth session of the Authority in August 1998 and the fifth session in August 1999, the Council met in informal sessions, open to all interested members of the Authority, to examine the text of the draft regulations. At the end of the fifth session, the Assembly decided that, with respect to the organization of work for the sixth session of the Authority, priority would be given to the work of the Council on the draft regulations, with a view to adopting the regulations during 2000. Accordingly, most of the time available during the first part of the sixth session, in March 2000, was devoted to the work of the Council. The Council continued its work on outstanding issues related to the draft regulations during the resumed sixth session. In the light of the discussions, the President of the Council, Mr. Sakiusa A. Rabuka (Fiji), revised the text of the draft regulations and made a proposal to the Council for adoption.¹³ On 13 July 2000 the Council decided to adopt and apply provisionally the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, pending their approval by the Assembly.¹⁴ In its decision, recalling concerns expressed relating to the need for appropriate forms of guarantee to enable the Council to take immediately the necessary measures to implement an emergency order under the Regulations, the Council also decided to give further consideration to the matter of such a guarantee prior to the phase of testing of collecting systems and processing operations for the exploitation of polymetallic nodules with a view to adopting appropriate forms of guarantee to ensure compliance with emergency orders and the effective protection of the marine environment in accordance with article 145 and other relevant provisions of the Convention. The Regulations were approved by the Assembly on 13 July 2000.¹⁵

B. Status of contracts for exploration

24. Following the adoption of the Regulations for Prospecting and Exploration for Polymetallic Nodules in the Area, it became incumbent upon the Secretary-General to prepare draft contracts for exploration in respect of each of the seven registered pioneer investors whose plans of work for exploration were considered to be approved by the Council on 27 August 1997.¹⁶ Draft contracts were prepared and submitted to each of the registered pioneer investors in August 2000.

25. Following discussions with the pioneer investors, the first 15-year contracts for exploration for polymetallic nodules in the deep seabed were signed on 29 March 2001 at the headquarters of the Authority. The contract between the Authority and the State enterprise Yuzhmorgeologiya (Russian Federation) was signed by the Secretary-General and by the Deputy Minister/State Secretary of the Ministry of Natural Resources of the Russian Federation, Ivan F. Glumov. The contract between the Authority and Interoceanmetal Joint Organization (IOM) (a consortium formed by Bulgaria, Cuba, the Czech Republic, Poland, the Russian Federation and Slovakia) was signed by the Secretary-General and by the Director-General of IOM, Ryszard Kotlinski. On the same date, the Secretary-General also signed a contract with the Republic of Korea, which was signed in Seoul, Republic of Korea, on 27 April 2001 by the Minister for Maritime Affairs and Fisheries of the Republic of Korea, Mr. Woo-Taik Chung.

26. The contract between the Authority and China Ocean Mineral Resources Research and Development Association (COMRA) (China) was signed at Beijing on 22 May 2001. The contract between the Authority and India had not yet been signed at the time of preparation of the present report. The contracts between the Authority and Deep Ocean Resources Development Company (DORD) (Japan), and Institut français de recherche pour l'exploitation de la mer/l'Association française pour l'étude et la recherche des nodules (IFREMER/AFERNOD) (France), will be signed at Kingston on 20 June 2001.

C. Obligations of registered pioneer investors

27. Since its establishment in August 1996, the Legal and Technical Commission has considered the periodic reports and relinquishments submitted to the Authority by the registered pioneer investors pursuant to resolution II. Prior to signing contracts for exploration, Yuzhmorgeologiya and COMRA had submitted periodic reports on activities up to December 1997. Periodic reports on activities up to December 1998 had been submitted by Interoceanmetal Joint Organization. The Republic of Korea had submitted periodic reports on activities up to July 2000. DORD and IFREMER/AFERNOD had submitted periodic reports on activities up to 1994 and 1993 respectively. India, which had not, as of the date of the present report, signed a contract for exploration, has submitted periodic reports on activities up to December 2000.

28. All registered pioneer investors have completed the schedule of relinquishments specified in their certificates of registration, with the exception of India, which is yet to relinquish the final 20 per cent of the area allocated to it. Information of a general nature regarding the plans of work for exploration submitted by the registered pioneer investors, including details of all reports submitted both to the Preparatory Commission and to the Authority, is contained in ISBA/4/A/1/Rev.2.¹⁷

29. Under resolution II, paragraph 12 (a) (ii), every registered pioneer investor is required to provide training at all levels for personnel designated by the Preparatory Commission. The Special Commission for the Enterprise, Special Commission 2, was established in accordance with paragraph 8 of resolution I of annex I to the Final Act of the Third United

Nations Conference on the Law of the Sea and was entrusted with the functions referred to in paragraph 12 of resolution II. All registered pioneer investors, with the exception of the Government of the Republic of Korea, had fulfilled their obligations with regard to training by the time the Preparatory Commission completed its work. The training programme of the Republic of Korea was approved by the Legal and Technical Commission in August 1997.¹⁸ The training programme commenced in March 1999 and continued until December 1999. At its meeting during the resumed sixth session of the Authority, the Legal and Technical Commission noted with satisfaction the completion of the training programme of the Government of the Republic of Korea and requested the Secretariat to compile a comprehensive report on the current whereabouts of all trainees who had benefited from training programmes since 1990.¹⁹ That report will be provided to the Legal and Technical Commission during the seventh session.

D. Recommendations for the assessment of the possible environmental impacts arising from exploration for polymetallic nodules

30. During the resumed sixth session, the Legal and Technical Commission continued its consideration of draft recommendations for the assessment of the possible environmental impacts arising from exploration for polymetallic nodules. The draft recommendations had been prepared on the basis of the outcomes of a workshop convened by the Authority in June 1998.²⁰ After lengthy discussions, the Secretariat was requested to revise and restructure the draft for final consideration by the Commission during the seventh session. The purpose of the recommendations is to describe the procedures to be followed in the acquisition of baseline data by contractors, including the monitoring to be performed during or after any activities having the potential to cause serious harm to the environment, and to facilitate reporting by contractors.

E. Draft regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the Area

31. At the resumed fourth session of the Authority, in August 1998, the representative of the Russian Federation had made a request to the Authority to adopt rules, regulations and procedures for exploration for polymetallic sulphides and cobalt-rich crusts.²¹ In accordance with article 162, paragraph 2 (o) (ii), of the Convention, and the provisions of the Part XI Agreement, such rules, regulations and procedures shall be adopted within three years from the date of such a request.

32. In the light of the request to the Authority by the Russian Federation, the Secretariat commenced work in 1999 on a review of the status of knowledge and research on resources other than polymetallic nodules. To further this work, the Authority convened in June 2000 the third in its series of workshops. The objectives of the workshop were to provide information on the occurrence, technical parameters, economic interest and potential resources contained in mineral resources other than polymetallic nodules, to identify existing institutional factors that have contributed to the discovery of such resources and continuing research on them and to provide information which would assist in drafting rules, regulations and procedures for prospecting and exploration for these mineral deposits, in particular deep sea polymetallic massive sulphide deposits and cobalt-bearing ferromanganese encrustations.

33. The workshop was attended by over 60 participants from 34 countries, including several members of the Legal and Technical Commission. The proceedings of the workshop will contain technical papers on the geology and mineralogy of polymetallic sulphides and cobalt-rich crusts, their distribution and resource potential, as well as the

status of research on such resources and the technical requirements for their exploration and future mining. The workshop also had the benefit of presentations on other potential resources, such as methane hydrates. Information was also presented on existing national regulatory frameworks for established marine mineral industries in Namibia (diamonds), Papua New Guinea (polymetallic sulphides) and Indonesia, Norway and Brazil (petroleum).

34. Participants in the workshop exchanged views on the possible elements of a regime for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the Area. The findings of the workshop in this regard are summarized in document ISBA/7/C/2, prepared by the Secretariat, on draft regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts. The document will be presented to the Council at the seventh session for discussion.

35. In addition, the workshop also considered the future resource potential of gas hydrates; ice-like crystals formed from natural gas and water in which water molecules form the rigid lattice and the void is occupied by a guest gas molecule. It was noted that one unit of hydrate, when released from its pressure-temperature curve, forms about 164 units of gas and about 0.8 units of fresh water. The significance of methane hydrates lies mainly in the tremendous resource potential of such resources. The workshop also noted that Canada, India, Japan, the Russian Federation and the United States of America were actively involved in research on gas hydrates and that in the past two years some 400 patents relating to gas hydrate research had been sealed in United States, Japanese and European patent offices.

F. Information and data relating to the international seabed area

36. Among the substantive functions of the Authority are the promotion and encouragement of marine scientific research with respect to activities in the Area and the collection and dissemination of the results of such research. The Authority uses information and data obtained from marine scientific research and from contractors for the preparation of assessments of the resource potential of minerals to be found in the Area as well as studies of the environmental implications of activities in the Area.

37. The report of the Secretary-General to the Authority at the sixth session identified a number of activities to be carried out during the period 2000-2002 with respect to the collection and organization of data and information by the Authority, including the establishment of a central data repository and an environmental database to assist in the evaluation of data and information received from monitoring programmes established by contractors for the purpose of observing and measuring the effects of exploration activities on the marine environment.²² In order to further this work, the Authority utilized the services of a consultant to assist in the acquisition and evaluation of substantial quantities of non-proprietary data. Once complete, this evaluation will help the Authority to better define the hardware and software requirements of a central data repository as well as the expected outputs from the database. The objective is to establish a central data repository not only for polymetallic nodules but also for all marine minerals in the Area. Such a central data repository would be accessible to all members of the Authority, would display the acquired data and information, would include quantitative resource assessments and would enable the Authority, among other things, to process information for the purposes of preparing technical reports, producing CD-ROMs and uploading to the Authority's web site.

G. Resource assessment of the areas reserved for the Authority

38. The Authority commenced work in 1998 on a detailed assessment of the resource potential of the areas reserved for the Authority. Following an initial study of available data and a systematic review and critical analysis of the Authority's database, POLYDAT, a report on the overall resource assessment of the reserved areas, including a detailed resource assessment of a single block, was prepared. The review revealed a number of missing elements in the original submissions for registration as pioneer investors made under resolution II, as well as a need for greater capacity to perform geo-statistical manipulation of the data. Some of the missing elements and their effects on resource assessment include: insufficient information on the methods used for seabed topography, making it difficult to carry out a proper analysis of the correlation between topography and nodule abundance; and discrepancies between data sets provided by different registered pioneer investors.

39. To overcome these problems, in March 2001, the Secretariat convened at the headquarters of the Authority a meeting of representatives of the registered pioneer investors. The objectives of the meeting were, inter alia, to review the data and information on the reserved areas with a view to ascertaining whether the identified discrepancies were a result of geological anomalies or of technical errors introduced by methods and equipment used during prospecting and to provide the necessary clarifications.

40. At the meeting, the Secretariat was informed that the discrepancies were the result of geological anomalies. The Secretariat was also advised that, while it could proceed with the resource assessment of the reserved areas in the Clarion-Clipperton Fracture Zone, its future work in that regard would be enhanced through the development of a geological model of that part of the seabed. To facilitate the Authority's work on resource assessment, IFREMER/AFERNOD provided the Secretariat with a considerable amount of the data and information in its possession. A resource assessment has been prepared for consideration by the Legal and Technical Commission.

H. Workshop on a standardized system of data interpretation

41. One of the most important functions of the Authority in the future will be to monitor the implementation of plans of work for exploration and to review the reports and other data and information submitted by contractors. In this regard, it is recalled that the group of scientific experts convened by the Authority in March 1999 recommended the development of a standardized system of data interpretation. To continue this task and with a view to preparing proposals on standardization of environmental data for consideration by the Legal and Technical Commission, the Authority will convene the fourth in its series of technical workshops from 25 to 29 June 2001 at Kingston. The objectives of the workshop are:

(a) To propose standards for the measurement of the biological, chemical, geological and physical components of the marine environment that are required to establish environmental baselines in exploration areas;

(b) To recommend sampling designs for acquiring these data and for monitoring tests of mining equipment;

(c) To facilitate the conversion of data acquired by the registered pioneer investors to a common basis for comparison and for the development of a database to improve the capacity of the Authority to manage impacts from future mining for polymetallic nodules.

X. PUBLIC INFORMATION

A. Web site and publications

42. The Authority gives publicity to its work by means of press releases, which may also be accessed through the Authority's web site.²³ The site contains essential information about the Authority in English, French and Spanish, as well as the texts of the official documents and decisions of the organs of the Authority. Press releases are available in English and French. Official documents and press releases are available in a downloadable format to afford ready access by members of the Authority.

43. The regular publications of the Authority include an annual compendium of selected decisions and documents of the Authority (available 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. In addition, the Authority has produced a brochure and information kit, in English, French and Spanish, explaining the work of the Authority, as well as a complete set of the official documents of the Authority on CD-ROM.

44. The Authority also published in May 2001 a technical report on the prospects as at 2000 for global non-living resources on the extended continental shelf. The report examines the global non-living resource potential within extended continental shelf areas based on a statistical evaluation of known occurrences and reserves, the geologic environments favourable for their formation, models for sediment types and thickness, and basement composition. The result is an assessment of the potential for non-living resources to occur. The major resource potential within extended continental shelf areas is held in iron-manganese nodules and crusts, conventional oil and gas, and gas hydrates. In manganese nodules and crusts, four elemental metals comprise the main components of commercial value: manganese, copper, nickel and cobalt. However, the real value of these resources depends on the cost of recovery and production. With the probable exception of conventional oil and gas, most of these resources will remain unrecoverable until technological advances allow recovery from deep water. In the medium-term future there will likely be exploration for and exploitation of marine gas hydrates, which have substantial economic potential. As conventional hydrocarbon reserves dwindle, the prospect of marine gas hydrate exploitation becomes increasingly probable.

45. Future publications will include the proceedings of the workshop on technology held in June 1999 and the proceedings of the workshop on mineral resources other than polymetallic nodules held in June 2000. A complete listing of all current publications issued by the Authority may be found on the Authority's web site.

B. Library facilities

46. The specialized library of the Authority exists to serve the needs of member States, permanent missions and researchers interested in all aspects of the Convention and seabed and marine-related affairs. It also provides essential reference and research assistance to Secretariat staff. In addition, the library handles the storage, cataloguing and distribution of the official documents and publications of the Authority. During the period under review, the library continued to handle requests from staff members and external users for information and documents. The subjects on which information was sought included general information on the work, history and development of the Authority, issues related to seabed mining and offshore development programmes, hydrothermal vents and crusts, biological diversity and underwater cultural heritage. Increased interest was seen in topics

dealing with environmental issues and regulations for seabed mining, as well as information on minerals other than polymetallic nodules, hydrocarbons and natural resources. Information was also sought on other law of the sea issues, including on baselines, the regime of straits, the continental shelf and the exclusive economic zone.

47. Work continued on the library's electronic cataloguing system, WINISIS, and the checking and editing of the core database of records is currently near completion. In response to an increase in demand, additional Internet-ready workstations are being made available for library users, including delegates. The library also continued its archival and preservation work on the documents of the United Nations Conferences on the Law of the Sea, including those of the Seabed Committee and UNCLOS III. The work includes preservation of documents through copying onto acid-free paper and subsequent binding of the documents and reports of UNCLOS III and the Preparatory Commission. Once the documents have been reviewed, catalogued and indexed, it is intended to transfer them onto electronic mass storage media.

48. The library continued its acquisition programme with a view to building a comprehensive collection of reference materials and strengthening the research capability of the collection. This is being achieved through the acquisition of specialized and reference publications on the law of the sea and seabed-oriented technical and scientific material, both current and earlier works. During the reporting period the collection was enhanced through the acquisition of approximately 200 books, journals and CD-ROMs. A number of items were acquired through donations. This includes a number of personal donations and donations from related institutions and libraries. The library's association with the International Association of Aquatic and Marine Science Libraries and Information Centers (IAMSLIC) continues to provide considerable benefit in terms of research assistance and acquisition of specialized technical publications. The Secretary-General expresses his appreciation to all donors for their valuable contributions to the library.

XI. FUTURE WORK

49. With respect to the internal administration of the Authority, the only significant outstanding issue which remains to be negotiated concerns the terms and conditions for the use and occupation of the headquarters building. As noted above, as at the date of preparation of the present report, it had not been possible to make any progress on this issue since the last session of the Authority in 2000.

50. The approval by the Assembly in July 2000 of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area completed the first major legislative task of the Authority. Following the approval of the Regulations, the Secretary-General has been able to conclude contracts for exploration with four of the seven registered pioneer investors whose requests for approval of plans of work for exploration were considered approved in August 1997. It is anticipated that contracts with the remaining three registered pioneer investors will be concluded shortly. In the meantime, having carried out the necessary preparatory work, the Authority is in a position to commence work on the elaboration of rules, regulations and procedures for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the Area, as requested by the Russian Federation.

51. As noted in the report of the Secretary-General for 2000,²⁴ the future work of the Authority is expected to have a more technical emphasis. One of the most important functions of the Authority will be to monitor the implementation of the plans of work for

exploration of the future contractors and to review the reports and other data and information submitted pursuant to the contracts for exploration. In addition, the Authority intends to convene a further workshop in 2002 on the prospects for international cooperation and collaboration in marine scientific research on the deep oceans, with a view to gaining a better understanding of the deep ocean environment. A number of ongoing work programmes will be continued, such as the development of the central data repository, the review and evaluation of additional data for the reserved areas and work on a geological model of the Clarion-Clipperton area.

52. In addition, the Authority will continue to monitor developments in the law of the sea and ocean affairs generally insofar as they have the potential to impact upon the functions and responsibilities of the Authority and, where appropriate, provide a forum for discussion of relevant issues with a view to fostering better international cooperation. Current international concerns which have implications for the regime established in the Convention and the Agreement include the conservation and management of genetic resources in the international seabed area, the development of resources such as methane hydrates and the establishment of protected areas on the high seas. The Authority will also keep under consideration the possibility of cooperative marine scientific research programmes to broaden the knowledge base of the international community with regard to the deep seabed.

Notes

- ¹ ISBA/6/A/9, para. 4.
- ² ISBA/6/A/18.
- ³ ISBA/6/C/9.
- ⁴ ISBA/6/A/9, para. 63.
- ⁵ ISBA/4/A/9, annex.
- ⁶ ISBA/5/A/4 and Add.1.
- ⁷ ISBA/5/A/8-ISBA/5/C/7.
- ⁸ ISBA/5/A/11.
- ⁹ ISBA/6/A/9, para. 14.
- ¹⁰ ISBA/6/A/13-ISBA/6/C/6.
- ¹¹ ISBA/6/C/7.
- ¹² ISBA/4/C/4/Rev.1.
- ¹³ ISBA/6/C/8 and Corr.1.
- ¹⁴ ISBA/6/C/12.
- ¹⁵ ISBA/6/A/18.
- ¹⁶ ISBA/3/C/9.
- ¹⁷ Reproduced in Selected Decisions 4, 1.
- ¹⁸ ISBA/3/LTC/2.
- ¹⁹ ISBA/6/C/11.
- ²⁰ The outcomes of the 1998 workshop are summarized in ISBA/5/A/1.
- ²¹ See ISBA/4/A/18, para. 14.
- ²² ISBA/6/A/9, para. 47.
- ²³ <http://www.isa.org.jm>.
- ²⁴ ISBA/6/A/9, part XIV.

**ISBA/7/A/5 Decision of the Assembly of the International Seabed Authority
concerning the Staff Regulations of the Authority**

Date: 10 July 2001
79th meeting

The Assembly of the International Seabed Authority,

1. Taking into account the recommendation of the Council,¹
2. Approves the staff regulations of the International Seabed Authority, as set out in the annex to document ISBA/6/C/10.²

Notes

¹ ISBA/6/C/10

² Decision of the Council of the International Seabed Authority concerning the Staff Regulations of the Authority

**ISBA/7/A/7 Statement of the President on the work of the Assembly at the
seventh session**

Date: 11 July 2001

1. The seventh session of the Assembly of the International Seabed Authority was held at Kingston, Jamaica from 2 to 13 July 2001.

Adoption of the agenda

2. At its 77th meeting, on 2 July 2001, the Assembly adopted its agenda for the seventh session (ISBA/7/A/1). The Assembly also took note of a statement by the representative of Japan, who reminded the members of the Authority that, in December 2000, the General Assembly had established, as from 1 January 2001, a reduced ceiling of 22 per cent for the assessed contribution of any individual Member State to the regular budget of the United Nations¹. As the scale of assessment of the Authority was based on that of the United Nations, the ceiling rate for the Authority should be adjusted accordingly, notwithstanding the recommendation of the Finance Committee in relation to the budget of the Authority for the financial period 2001 to 2002. The representative stated, however, that Japan would defer its request for an adjustment to the ceiling rate to 2002, when the Authority would discuss the budget for the financial period 2003 to 2004.

Election of the President and Vice-Presidents of the Assembly

3. At the 77th meeting, on 2 July 2001, Mr. Peter Donigi (Papua New Guinea) was elected President of the Assembly for 2001. Subsequently, following consultations in the regional groups, the representatives of Nigeria (African Group), Argentina (Latin

American and Caribbean Group), Slovakia (Eastern European Group) and Australia (Western European and Others Group) were elected as Vice-Presidents.

Appointment of the Credentials Committee

4. 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: Brazil, Greece, Jamaica, Japan, Myanmar, Norway, Senegal, Slovakia and South Africa. Subsequently, Ms. Norma Taylor-Roberts (Jamaica) was elected by the Committee as its Chairman. The Committee met on 5 July 2001. The report of the Committee is contained in document ISBA/7/A/4 and Corr.1. At the 80th plenary meeting, on 10 July 2001, the Assembly adopted the report of the Credentials Committee. The decision of the Assembly relating to credentials is contained in document ISBA/7/A/6.

Election of the Finance Committee

5. The Assembly was informed by the Secretary-General that, as at 6 July 2001, 15 nominations had been received for membership of the Finance Committee. At its 79th meeting, on 10 July 2001, the Assembly elected the following as members of the Finance Committee for a five-year term commencing on 1 January 2002: Domenico Da Empoli (Italy), Peter Döllekes (Germany), Hasjim Djalal (Indonesia), Ivo Dreiseitl (Czech Republic), Aung Htoo (Myanmar), Boris G. Idrisov (Russian Federation), Tadanori Inomata (Japan), Liu Jian (China), Jean-Pierre Levy (France), Juliet Kalema Semanbo (Uganda), Joseph Samih Matta (Lebanon), Paul McKell (United Kingdom of Great Britain and Northern Ireland), Narinder Singh (India), Coy Roache (Jamaica), Florentina Adenike Ukonga (Nigeria). The election of the members of the Finance Committee is without prejudice to the overall composition of the Finance Committee for future elections and in particular to the claims of the regional groups.

Staff Regulations of the Authority

6. At its 79th meeting, on 10 July 2001, the Assembly approved the staff regulations of the Authority (ISBA/7/A/5).

Annual report of the Secretary-General

7. At the 79th meeting, on 10 July 2001, the Secretary-General introduced his fifth annual report (ISBA/7/A/2), as required by article 166, paragraph 4, of the Convention. In presenting his report, the Secretary-General drew attention to the need to bridge the gap between the technical aspects of the work of the Authority and the broader membership of the Authority. Following the presentation by the Secretary-General, statements were made by the delegations of Argentina, Belgium, Cameroon, China, Chile, the Czech Republic, Fiji, Germany, India, Indonesia, Jamaica, New Zealand, Nigeria, Pakistan, Portugal, the Republic of Korea, Saudi Arabia, Senegal, Spain, the Sudan, the United Kingdom and Yemen. The observer delegation of the United States of America also made a statement.

8. Delegations commended the Secretary-General on the comprehensive nature of the report. The Assembly noted that the work of the Authority was increasingly of a technical nature and in that regard delegations welcomed the proposal of the Secretary-General to provide the Assembly on future sessions with technical briefings on matters of particular interest to the Authority.

9. The Assembly took note of the proposals of the Secretary-General relating to the future work of the Authority. In particular, the proposal to convene a workshop in 2002 on

the prospects for international cooperation and collaboration in marine scientific research on the deep oceans, with a view to gaining a better understanding of the deep ocean environment, was supported by several delegations. The Secretary-General took note of the need to circulate the agenda for such workshops well in advance and of the need for timely publication of the outcomes of the workshops.

10. Several delegations emphasized the importance for all States parties to the Convention that had not already done so to take the necessary steps to become parties to the Agreement relating to part XI of the Convention. The importance of early entry into force of the Protocol on Privileges and Immunities of the Authority was also stressed and several delegations stated that they would soon be in a position to accede to the Protocol.

11. It was noted that while substantial work had been done to disseminate information concerning the work of the Authority, further improvements could be made, including expanding the coverage of the web site to all six official languages as well as making the Authority's databases accessible through the Internet.

12. The Assembly took note of the long delay in completing a supplementary agreement concerning the headquarters of the Authority. The Secretary-General was urged to continue his efforts to make progress with regard to the supplementary agreement concerning the headquarters of the Authority. In that regard, the representative of Jamaica noted that progress had been made on a number of issues, including the refurbishment of the headquarters building. He accepted the need for transparency in relation to the costs for maintenance of the premises occupied by the Authority and noted that that would be dealt with in the context of the supplementary agreement. The representative of Jamaica also took note of the difficulties encountered by some delegations in obtaining entry visas for Jamaica and undertook to bring the matter to the attention of the appropriate authorities.

Appointment of auditors

13. At its 80th meeting, on 10 July 2001, the Assembly decided to reappoint KPMG Peat Marwick to audit the Authority for 2001, without prejudice to future appointments. In recommending the appointment to the Assembly, the Chairman of the Finance Committee, Mr. Domenico Da Empoli (Italy), noted that he had been able to consult informally on the matter with eight of the members of the Finance Committee who were present in Kingston and had corresponded with some other members who were not present.

Next meeting of the Assembly

14. The next meeting of the Assembly will be held in Kingston, Jamaica, from 5 to 16 August 2002. It was noted that the African Group would, in due course, nominate a candidate for the Presidency of the Assembly in 2002, and the Group of Latin American and Caribbean States would nominate a candidate for the Presidency of the Council in 2002.

Notes

¹ General Assembly resolution 55/5 C.

Considerations relating to the regulations for prospecting and exploration for hydrothermal polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area

Date: 29 May 2001

I. INTRODUCTION

1. In August 1998, during the resumed fourth session of the Authority, the delegation of the Russian Federation reminded the Assembly that, in addition to polymetallic nodules, other mineral resources existed in the Area, including hydrothermal polymetallic sulphides and cobalt-rich ferromanganese crusts (cobalt crusts), and requested the Authority to adopt rules, regulations and procedures for exploration for such resources.¹ Pursuant to article 162, paragraph 2 (o) (ii), of the 1982 United Nations Convention on the Law of the Sea, and paragraphs 15 and 16 of section 1 of the annex to Part XI Implementation Agreement, such rules, regulations and procedures are to be adopted within three years of the date of such a request. The rules, regulations and procedures shall be based on the principles contained in sections 2, 5, 6, 7 and 8 of the annex to the Agreement.
2. From 1997 to 2000, the main focus of the work of the Authority was on the elaboration of the regulations for prospecting and exploration for polymetallic nodules in the Area. These regulations were approved by the Assembly in July 2000.²
3. In the light of the request made by the delegation of the Russian Federation, the Authority convened, in June 2000, a workshop on the mineral resources of the Area. The objectives of the workshop were to provide information on the occurrence, technical parameters, economic interest and potential resources contained in mineral resources other than polymetallic nodules, to identify existing institutional factors that have contributed to the discovery of such resources and continuing research on them and to provide information which would assist in drafting rules, regulations and procedures for prospecting and exploration for these mineral deposits, in particular deep sea polymetallic sulphide deposits and cobalt crusts. The workshop was attended by over 60 participants from 34 countries, including several members of the Legal and Technical Commission. Included in the proceedings of the workshop are technical papers on the geology and mineralogy of polymetallic sulphides and cobalt crusts, their distribution and resource potential, as well as the status of research on such resources and the technical requirements for their exploration and future mining.
4. The present document contains a brief summary of the discussions that took place during the workshop on a possible regime for prospecting and exploration for polymetallic sulphides and cobalt crusts and examines some of the main policy issues that need to be addressed in developing a set of regulations for prospecting and exploration.

II. CHARACTERISTICS OF THE RESOURCES

A. Polymetallic sulphides

5. High-temperature black smokers, massive sulphides and vent biota were first discovered in 1979 at the crest of the East Pacific Rise at 21° north latitude, off the coast of Baja California. Since then, polymetallic massive sulphides have been discovered at water depths of up to 3,700 metres in a variety of tectonic settings at the modern seafloor, including mid-ocean ridges,³ sedimented ridges, back-arc rifts⁴ and seamounts. Many of these deposits consist of a black smoker complex on top of a sulphide mound which is

commonly underlain by a stockwork zone. It has been established that circulating seawater which is modified in a reaction zone close to a subaxial magma chamber is the principal carrier of metals and sulphur which are leached out of the oceanic basement. Precipitation of massive sulphides takes place in response to mixing of the high-temperature metal-rich hydrothermal seawater fluid with ambient seawater. Seafloor polymetallic sulphide deposits can reach a considerable size and often carry high concentrations of copper (chalcopyrite), zinc (sphalerite) and lead (galena) in addition to gold and silver. Currently, more than 100 sites of hydrothermal mineralization are known at the seafloor, including at least 25 sites with high-temperature black smoker venting. The majority of sites in the Pacific Ocean have been located at the East Pacific Rise, the south-east Pacific Zone and the north-east Pacific Zone. Many sites have been discovered in the Atlantic Ocean at the Mid-Atlantic Ridge. Only one site has so far been discovered in the Indian Ocean. However, it is estimated that only about 5 per cent of the 60,000 kilometres of oceanic ridges worldwide have been surveyed in any detail. Only about 10 of the currently known deposits may have sufficient grade and size to be considered for future mining, although it must be stressed that information on the thickness of most of these sulphide deposits is limited. Many of the potential known mine sites are in areas under national jurisdiction, including those of Canada, Ecuador, Fiji, Japan, Papua New Guinea and Tonga. The potential known sites in the Area are located in the East Pacific Rise at 0°-13° North latitude and in the Atlantic Ocean at the Mid-Atlantic Ridge from 12° to 28° North latitude. At the TAG hydrothermal field at the Mid-Atlantic Ridge, scientific drilling carried out under the Ocean Drilling Programme revealed sulphide ores to a depth of 125 metres. Russian scientists have carried out studies of oceanic hydrothermal processes in the Pacific and Atlantic oceans since the 1960s. Large-scale investigations of oceanic massive sulphides began in the 1980s on the East Pacific Rise and are still continuing on the Logachev 1 and 2 fields and the Mir hydrothermal mound, located in the TAG hydrothermal field in the Mid-Atlantic. However, no deposit has been commercially evaluated.

6. Scientific research on polymetallic sulphide deposits is being carried out by various academic and government institutions worldwide. Leading countries in this field are Australia, Canada, France, Germany, Japan, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Italy and Portugal have recently developed research programmes. Exploration programmes are dependent upon state-of-the-art multi-purpose research vessels which allow cost-effective exploration of large areas through advanced technology such as multi-beam swath mapping systems capable of mapping the seafloor to depths of several thousand metres. For detailed mapping of particular seafloor sites and precise small-scale sampling, including sampling of hydrothermal fluids at active black smoker chimneys, manned research submersibles or remotely operated vehicles are required, equipped with photographic and video systems, TV-guided grabs for controlled geological sampling and portable drilling and coring devices. However, technological advances are critical to future exploration. Currently available drilling and coring devices need to be further developed in order to make seafloor drilling to depths of 50 to 100 metres possible and to provide reliable information on the depth and extent of polymetallic sulphide deposits. Mining systems for polymetallic sulphides have not been specifically designed so far but are likely to focus on continuous recovery systems using rotating cutter heads combined with airlift of the ore slurry to the mining vessel for transport to a processing plant.

B. Cobalt crusts

7. Cobalt-rich ferromanganese crusts occur throughout the global oceans on seamounts, ridges and plateaux. Crusts precipitate out of cold ambient seawater onto hard rock substrates forming pavements up to 250mm thick. These crusts form at water depths of between 400m to 4,000m, with the thickest and most cobalt-rich occurring at depths of 800m to 2,500m. Crusts are important as a potential resource for cobalt, but also contain titanium, cerium, nickel, platinum, manganese, thallium, tellurium and other rare earth elements. The first systematic investigation of cobalt crusts was carried out in 1981 in the Line Islands (Kiribati) during the German Midpac I cruise on the RV *Sonne*. Subsequent investigations in the Central Pacific showed that crusts were enriched in cobalt, iron, cerium, titanium, phosphorus, lead, arsenic and platinum but relatively lower in manganese, nickel, copper and zinc compared to nodules. Research cruises conducted by the United States in the 1980s revealed that the most promising cobalt-rich crust deposits occur on seamounts in the equatorial Pacific within the exclusive economic zones of Pacific Island nations, including the Marshall Islands, the Federated States of Micronesia and Kiribati and the exclusive economic zone of the United States (Hawaii, Johnston Island), as well as in international waters in the mid-Pacific Ocean. Since the 1980s systematic research programmes, primarily in the mid-Pacific Ocean, have also been conducted by China, Japan, the Republic of Korea and the Russian Federation. It is estimated that the Pacific Ocean contains some 50,000 seamounts, of which fewer than 15 have been mapped and sampled in any detail. The Atlantic and Indian oceans contain far fewer seamounts and most cobalt crusts in these oceans are associated with spreading ridges. The distribution of crusts on individual seamounts and ridges is poorly understood and there is great variation in the physical and chemical characteristics of the deposits.

8. The primary objective of the initial stage of exploration for cobalt crusts is to locate extensive, thick, high-grade deposits. Later stages of exploration are dedicated to detailed mapping of the precise range of mineable crusts, continuously refined through ongoing sampling and surveying. This is accomplished through mapping of seamounts using multi-beam echo sounder, side-scan sonar and single- or multi-channel seismic systems, systematic sampling using dredges and corers, bottom video and photography, water column sampling and laboratory analysis of crusts and substrates for composition and physical properties. As with polymetallic sulphides, exploration programmes require the use of state-of-the-art multi-purpose research vessels. During the advanced stages of exploration, the use of manned submersibles or remotely operated vehicles may be necessary for observations of small-scale topography and sampling. It is known that seamount biological communities vary considerably from seamount to seamount, even between communities from the same water depths on adjacent seamounts. Most studies of seamount biology to date have concentrated on seamounts with a sediment cap and on the biological communities living in and on that sediment. Fewer studies have addressed communities living on the rock outcrops and on the surface of the crusts and the bacterial or microbiological processes that may mediate the growth of cobalt crusts, and the concentration of trace metals has not been studied. Exploration programmes are likely, therefore, to include the collection of biological and ecological information that can be used in future environmental impact studies.

9. Actual mining of crusts is technologically much more difficult than recovery of polymetallic nodules. The crusts are attached to substrate rock, which means that, for successful mining, it is essential to recover the crusts without collecting substrate rock, which would significantly dilute the ore grade. Mining involves five separate operations of fragmentation, crushing, lifting, pick-up and separation. The most generally discussed

method of recovery consists of a bottom-crawling vehicle attached to a surface mining vessel by means of a hydraulic pipe lift system. The mining vehicle provides its own propulsion and moves at a speed of about 20 cm/s. It has articulated cutters that would allow fragmentation of the crusts while minimizing the amount of substrate rock collected. The fragmented material would be processed through a gravity separator prior to lifting. Other possible methods, which require considerable further research and development, include a continuous line bucket system, water-jet stripping of crusts from the substrate and in situ leaching techniques.

III. CONSIDERATIONS RELATING TO THE REGIME FOR PROSPECTING AND EXPLORATION FOR POLYMETALLIC SULPHIDES AND COBALT CRUSTS

10. Participants in the workshop exchanged views on the possible elements of a regime for prospecting and exploration for polymetallic sulphides and cobalt crusts in the Area. It was noted that at the heart of the regime for the Area established in Part XI of the Convention and the Agreement was the so-called “parallel” system. This is elaborated in article 153 of the Convention. The essential elements of the parallel system include assured access for States Parties and their nationals to seabed mineral resources along with a system of site-banking, whereby reserved areas are to be set aside for the conduct of activities by the Authority through the Enterprise either by itself or in association with developing States. A fundamental principle is that activities in the Area, which include all activities of exploration for, and exploitation of, the resources of the Area, shall be carried out in accordance with a formal written plan of work drawn up in accordance with Annex III to the Convention and Part XI Agreement and approved by the Council after review by the Legal and Technical Commission.

11. It should also be noted that the negotiation of Part XI of the Convention was based upon a number of assumptions regarding the expected scale of seabed mining operations for polymetallic nodules advocated by the scientific community and industry. These assumptions related to the prices of the metals contained in polymetallic nodules, the technical feasibility of mining operations and the need to ensure an adequate rate of return on investment in deep seabed mining and resulted in a model which required each mine site to be capable of sustaining an annual commercial production of 3 million tonnes of dry nodules per year over a period of 20 years. Whether these assumptions are also valid for polymetallic sulphides and cobalt crusts is an issue which needs consideration. No economic analysis of the viability of mining such resources has been carried out in recent years and it is evident that information on the ore resources at the known sites of deposits of both polymetallic sulphides and cobalt crusts is scarce. It is clear, however, that individual deposits are rather small in size and, according to the state of current knowledge, no single discovered site would be capable by itself of sustaining an economically viable mining operation. Further studies, including drilling, would be necessary to determine the precise size of deposits. It is reasonable to assume, however, that potential contractors would need to have the flexibility to operate simultaneously in several different locations.

12. The workshop participants noted that one problem was that it was very difficult to make a comparison between, on the one hand, polymetallic sulphides and cobalt crusts and, on the other hand, polymetallic nodules. The nature of the resources was very different. In the case of nodules, which are two-dimensional in nature, it was relatively easy to divide a potential nodule field into two areas of equal estimated commercial value. In the case of polymetallic sulphides and cobalt crusts, which are three-dimensional in

nature, no two occurrences are the same and there may be substantial variation in grade of deposits even within one seamount. It would be impossible to determine two sites of equal estimated commercial value without substantial and costly exploration work on the part of the would-be contractor. Furthermore, it was pointed out that, in the case of polymetallic nodules, those who applied for pioneer status under resolution II had in fact already undertaken substantial exploration work and incurred high levels of expenditure prior to the establishment of the Convention regime, and had therefore not undergone the same level of risk as a new prospector coming in under the Convention. Consequently, it appeared to several participants that it would be impracticable to implement a site-banking system for polymetallic sulphides and cobalt crusts in the same manner as for polymetallic nodules. It was suggested that, instead of providing the Authority with a reserved area, which the Authority might never be in a position to utilize in any event, another possible option would be to require the contractor to give the Authority, through the Enterprise, the right of first refusal to enter into a joint venture with the contractor, subject to certain specified terms and conditions. It was considered that equity participation in this manner would constitute a mechanism to avoid monopolization and ensure participation by the international community in the development of the common heritage.

13. It was also noted that another significant difference between polymetallic sulphides and cobalt crusts and polymetallic nodules was that, whereas most deposits of polymetallic nodules occurred in the Area, the vast majority of deposits of polymetallic sulphides and cobalt crusts discovered so far have been found in areas under national jurisdiction. In seeking to develop such resources, the Authority would therefore be in competition with States seeking to develop the same resources in areas under national jurisdiction. These resources may be in shallower water and will be found closer to land, thus reducing the cost of prospecting and exploration. In addition, national regimes for prospecting and exploration may be more favourable to potential investors than the Convention regime, thus making it difficult for the Authority to generate interest in exploration in the Area. In this regard, the workshop recalled that the Convention itself requires the Authority to promote the development of the resources of the Area, which are the common heritage of mankind. The regime for prospecting and exploration for polymetallic sulphides and cobalt crusts in the Area should therefore be such as to encourage prospecting and not such as to discourage long-term investment.

14. Given that, under the Convention, prospecting confers no exclusive rights on the prospector, participants suggested that it would be difficult to envisage a situation where any entity would be willing or able to carry out the work necessary to identify two sites of equal estimated commercial value without some form of legal protection. On the other hand, it was noted that the prospecting regime set out in the Convention and the Regulations places no obligation on the prospector beyond that of notifying the Authority of the broad area or areas in which prospecting is taking place and that the best way for a prospector to protect its interests would be to enter into a contract for exploration at the earliest possible opportunity.

IV. CONTENT OF THE REGULATIONS

15. In general, it is recommended that the regulatory regime for exploration for polymetallic sulphides and cobalt crusts should be as close as possible to that for polymetallic nodules. Nevertheless, a number of adjustments are required in order to reflect the different nature of the resources in question and the different political and economic considerations which apply. The most significant differences in the new regime would relate to prospecting, the size of the area to be allocated to the contractor for

exploration, the application of the site-banking system and the procedure for dealing with overlapping claims. These issues are examined in more detail below.

16. The annex to the present document contains model clauses indicating the main areas in which there would need to be differences between the Regulations for Prospecting and Exploration for Polymetallic Nodules in the Area and any new regulations covering polymetallic sulphides and cobalt crusts. The basic procedures for submitting applications, the rules relating to the qualifications of applicants, the procedures for considering applications in the Legal and Technical Commission and the Council, and most of the standard clauses of exploration contracts would remain the same as in the Regulations for Prospecting and Exploration for Polymetallic Nodules in the Area. For the most part, the Regulations on these matters merely reflect the provisions of the Convention and the Agreement and no substantive adjustments would be necessary to deal with resources of a different nature.

A. Definitions

17. New definitions of the terms “polymetallic sulphides” and “cobalt crusts” would be required. In addition, it is suggested that, for the allocation of areas, a block system should be adopted, and it would be necessary to define a “block” (model clause 1).

B. Prospecting

18. There is no reason why prospecting for sulphides and crusts may not be undertaken simultaneously. The prospecting regime would remain substantially the same as that for polymetallic nodules, except that a new clause could be added to the regulations to prevent prospecting from being undertaken in an area covered by an approved plan of work for exploration for or exploitation of other resources if such prospecting might cause undue interference with activities under such an approved plan of work (model clause 2). Such a provision is intended to give effect to Annex III, article 17, paragraph 2 (d) (ii), of the Convention, as read in conjunction with Annex III, article 16, and article 153, paragraph 6. A contractor for other resources is entitled to security of tenure and the Authority has a duty to ensure no “undue interference”. At the same time, however, Annex III, article 17, of the Convention, recognizes that some resources can be developed simultaneously.

C. Size of area and relinquishment

19. The size of area to be allocated for exploration will require adjustment because of the different physical characteristics and distributions of crusts and sulphides. It is necessary to address both the size of the area to be allocated to contractors for exploration as well as anti-monopoly provisions. Owing to the geographical distribution of polymetallic sulphide deposits and cobalt crusts, it is not appropriate to allocate broad areas to contractors. It is suggested that the new regulations could be based on a self-selected block system. Each rectangular block, which may be up to 150 square kilometres in size, would be defined by the applicant. The grid or block system is a common feature of offshore oil and gas licensing regimes and should not create difficulties for either the prospective contractor or the Authority. In most national legislation, a grid is established by the licensing authority and the prospective contractor is allowed to apply for a specified number of pre-determined blocks. This would not be feasible in the case of the Area and consequently prospective contractors would be given the flexibility to select the location of blocks.

20. In the case of polymetallic sulphides it is proposed to allocate up to 200 blocks of 150 square kilometres each, or a total of 30,000 sq km to each contractor as the exploration

area. It is considered that 150 sq km should be sufficient at any one location, but a potential marine miner may well justify several contiguous blocks in one area and may have several such sites scattered around the ocean. In these days of global positioning system (GPS) navigation, low-cost computers and well-developed, low-cost geographic information systems (GIS) software, it is an easy task to keep track of a large number of claim blocks. Any explorer capable of exploring the deep seabed will be able to handle accurately large numbers of claim blocks without significant overhead costs. In order to protect against the monopolization of a particular area by a single contractor, model clause 3 also provides that no more than 6,000 sq km of the total area may be made up of contiguous blocks. The exploration area would be progressively relinquished over the duration of the contract until, at the end of the 15 years, the contractor would be left with 25 blocks (3,750 sq km) for exploitation, which need not be made up of contiguous blocks.

21. In the case of cobalt crusts, the initial exploration area would be 6,000 sq km or 40 blocks. Fifty per cent of the initial area would be subject to progressive relinquishment over the duration of the contract for exploration. Subject to further guidance by the Legal and Technical Commission, it is considered that these areas are adequate for effective exploration.

22. The anti-monopoly provision contained in Annex III to the Convention, which is restated in the Regulations,⁵ cannot be applied to sulphides and crusts and, even in the case of nodules, is difficult to apply in practice. On the other hand, it may be noted that under resolution II, pioneer investors were limited to one exploration site each. Subject to further guidance from the Legal and Technical Commission on this issue, it is suggested that the regulations should prevent multiple applications by affiliated applicants in excess of the size limitations referred to above. Model clause 3 provides that applicants are affiliated if they are directly or indirectly, controlling, controlled by or under common control with one another.

23. Other commonly applied methods used to counter monopolistic practices include the application of performance standards through due diligence clauses and the use of a variable exploration fee rather than a fixed fee. While the fixed-fee approach reflected in the Regulations governing polymetallic nodules acts as an incentive to claim the maximum permissible area, a variable fee, based on the size of the area, would operate as an incentive to keep claims as small as possible and would discourage speculative ventures.

D. Site-banking

24. In the light of the discussions in the workshop on the issue of site-banking, model clauses 4 and 6 provide for a system whereby the Authority could be given the opportunity to participate in the development of the resources by achieving equity participation in a mining operation. At the election of the contractor, equity participation would be granted in lieu of contributing a reserved area for the Authority. Equity participation in this manner is a practice which is by no means uncommon in land-based mining and offshore petroleum exploitation operations. The application of such a scheme would give meaning to the parallel system and would enable the Authority to participate effectively in future exploitation. It would also be consistent with the principles contained in the 1994 Agreement.

25. Each applicant, at the time of submitting an application for approval of a plan of work, would be required to make an election, either to provide a reserved area or, in lieu thereof, to offer to the Authority an equity interest in a joint venture arrangement. Such a joint venture arrangement would commence from the time of exploitation and would be

subject to negotiation, based on certain parameters to be set out in the regulations. Such parameters would include a minimum guaranteed equity participation with the opportunity for the Authority to obtain up to a 50 per cent equity participation on the basis of pari passu treatment with the applicant.

E. Overlapping claims

26. The regulations governing exploration for polymetallic nodules make no reference to the problem of overlapping claims. It may be recalled that it was not necessary to deal with this issue in the context of polymetallic nodules because all overlapping claims to potential mine sites had in fact been dealt with under resolution II⁶ or by arrangements reached during the Preparatory Commission. Clearly, this would not be the case with polymetallic sulphides and cobalt crusts. In dealing with overlapping claims, the basic principle should be first-come, first-served. However, in the recognition that initial applications may be submitted for overlapping areas, model clause 7 contains a procedure similar to that contained in resolution II for resolving such claims on a fair and equitable basis. It should be noted that the intent of the Convention and the Part XI Agreement is clearly that the Legal and Technical Commission is a technical body which should not be required to make qualitative decisions between one applicant and another. Consequently, overlapping claims would be approved by the Commission providing they satisfied the technical requirements as prescribed in the regulations. Model clause 7 provides that, in the event of an overlapping claim, the Secretary-General will notify the applicants before the matter is considered by the Council. Each applicant would then have the opportunity to amend its claim. In the event of a conflict, the Council shall determine the area or areas to be allocated to each applicant on an equitable and non-discriminatory basis. To this could be added a procedure for binding commercial arbitration similar to that contained in paragraph 5 (c) of resolution II.

V. CONCLUSION

27. The present paper and the model clauses contained in the annex have been prepared as an aid to discussion in the Council of the system to be applied to prospecting and exploration for polymetallic sulphides and cobalt crusts taking into account the nature of the deposits, the status of knowledge of the resources and the need to adopt a market-oriented approach. In giving consideration to the issues raised in the paper, the Council may wish to give appropriate guidance to the Legal and Technical Commission to enable it to formulate draft regulations.

Notes

¹ ISBA/4/A/18; reproduced in *Selected Decisions* 4, p. 64.

² ISBA/6/A/18; reproduced in *Selected Decisions* 6, p. 31.

³ East Pacific Rise, Mid-Atlantic Ridge and Central Indian Ridge.

⁴ Such as the Central Manus Basin and the Mariana Trough.

⁵ Regulation 21, para. 6.

⁶ Final Act, resolution II, para. 5.

Annex

MODEL CLAUSES FOR PROPOSED REGULATIONS FOR PROSPECTING
AND EXPLORATION FOR POLYMETALLIC SULPHIDES AND COBALT-RICH
FERROMANGANESE CRUSTS IN THE AREA

Introductory note

The following model clauses indicate the main areas in which there would need to be differences between the Regulations for Prospecting and Exploration for Polymetallic Nodules in the Area and new regulations covering prospecting and exploration for polymetallic sulphides and cobalt crusts. References to the corresponding provisions of the Regulations for Prospecting and Exploration for Polymetallic Nodules in the Area are given in parentheses after the number of the model clause.

Model clause 1 (Regulation 1)
Use of terms and scope

For the purposes of these Regulations:

(a) “block” means the seabed and subsoil of the Area that lies under a grid laid over the surface of the Area constituted by:

(i) lines running along meridians drawn through each degree of longitude and the minutes or fractions thereof between those degrees; and

(ii) lines running along parallels drawn through each degree of latitude and the minutes or fractions thereof between those degrees;

(b) “cobalt crusts” means oxidized deposits of cobalt-rich ferromanganese crust formed from direct precipitation of minerals from seawater onto hard substrates containing concentrations of cobalt, manganese, iron, other metals and rare earth elements;

(c) “polymetallic sulphides” means hydrothermally formed deposits of sulphide minerals which contain concentrations of metals including, *inter alia*, cobalt, copper, lead, nickel, zinc, gold and silver;

Model clause 2 (Regulation 2)
Prospecting

Prospecting shall not be undertaken in an area covered by an approved plan of work for exploration for or exploitation of other resources if such prospecting might cause undue interference with activities under such an approved plan of work.

Model clause 3 (Regulation 15)
Total area covered by the application

1. The area covered by each application for approval of a plan of work for exploration shall be comprised of one or more blocks. Each block shall cover a total area not exceeding 150 square kilometres and shall be defined by a list of coordinates in accordance with the most recent generally accepted international standard used by the Authority.

2. The total area covered by an application for approval of a plan of work for exploration in respect of polymetallic sulphides shall not exceed 200 blocks or 30,000 square kilometres, whichever is less, of which no more than 6,000 square kilometres shall

consist of contiguous blocks. For the purposes of this regulation, two blocks that touch at any point shall be considered to be a contiguous block.

3. The total area covered by an application for approval of a plan of work for exploration in respect of cobalt crusts shall not exceed 40 blocks or 6,000 square kilometres, whichever is less.

4. The total area covered by applications by affiliated applicants shall not exceed the limitations set out in paragraphs 2 and 3 of this regulation. For the purposes of this regulation, an applicant is affiliated with another applicant if an applicant is, directly or indirectly, controlling, controlled by or under common control with another applicant.

Model clause 4 (Regulation 15 bis)

Applicant's election of a reserved area contribution or joint venture participation

Each applicant shall, in the application, elect either:

(a) To contribute a reserved area to carry out activities pursuant to Annex III, article 9, of the Convention, in accordance with regulation ...; or

(b) To offer an equity interest in a joint venture arrangement in accordance with regulation ...

Model clause 5 (Regulation 16)

Data and information to be submitted before the designation of a reserved area

Where the applicant elects to contribute a reserved area, the area covered by the application shall be sufficiently large and of sufficient estimated commercial value to allow two mining operations. The applicant shall divide the blocks comprising the application into two groups, which need not be composed of contiguous blocks, of equal estimated commercial value. The area to be allocated to the applicant shall be subject to the provisions of regulation ...

Model clause 6 (Regulation 18 bis)

Joint venture participation

1. Where the applicant elects to offer an equity interest in a joint venture arrangement, it shall submit data and information in accordance with regulation ... The area to be allocated to the applicant shall be subject to the provisions of regulation ...

2. The joint venture arrangement, which shall take effect at the time the applicant applies for a contract for exploitation, shall include the following:

(a) The Enterprise shall obtain a minimum of 20 per cent of the equity participation in the joint venture arrangement on the following basis:

(i) Half of such equity participation shall be obtained without payment, directly or indirectly, to the applicant and shall be treated pari passu for all purposes with the equity participation of the applicant;

(ii) The remainder of such equity participation shall be treated pari passu for all purposes with the equity participation of the applicant except that the Enterprise shall not receive any profit distribution with respect to such participation until the applicant has recovered its total equity participation in the joint venture arrangement;

(b) Notwithstanding subparagraph (a), the applicant shall nevertheless offer the Enterprise the opportunity to obtain up to 50 per cent of the equity participation in the

joint venture arrangement on the basis of pari passu treatment with the applicant for all purposes;^a

(c) In the event that the Enterprise elects not to accept 50 per cent of such equity participation, the Enterprise may, notwithstanding subparagraph (a), obtain a lesser per cent on the basis of pari passu treatment with the applicant for all purposes for such lesser participation;

(d) Except as specifically provided in the agreement between the applicant and the Enterprise, the Enterprise shall not by reason of its equity participation be otherwise obligated to provide funds or credits or issue guarantees or otherwise accept any financial liability whatsoever for or on behalf of the joint venture arrangement, nor shall the Enterprise be required to subscribe for additional equity participation so as to maintain its proportionate participation in the joint venture arrangement.

Model clause 7 (Regulation 22)

Consideration and approval of plans of work for exploration by the Council

1. The Council shall consider the reports and recommendations of the Commission relating to approval of plans of work for exploration in accordance with paragraphs 11 and 12 of section 3 of the Annex to the Agreement.

2. If the Commission has made recommendations for the approval of applications in the same area or areas by more than one applicant, the Secretary-General shall so notify such applicants and the applicants may, within 45 days of such notification, amend their applications so as to resolve conflicts with respect to such applications. If such conflicts are not resolved within said period, the Council shall determine the area or areas to be allocated to each applicant on an equitable and non-discriminatory basis.

Model clause 8 (Regulation 25)

Size of area and relinquishment

1. In the case of a contract for exploration for polymetallic sulphides, the total number of blocks allocated to the contractor shall not exceed 200. The contractor shall relinquish the blocks allocated to it in accordance with paragraphs 2, 3 and 4 of this regulation.

2. At the end of the fifth year from the date of the contract, the contractor shall relinquish:

(a) 50 per cent of the number of blocks allocated to it; or

(b) If 50 per cent of that number of blocks is a whole number and a fraction, the next higher whole number of the blocks.

3. At the end of the tenth year from the date of the contract, the contractor shall relinquish:

(a) An additional 25 per cent of the number of blocks allocated to it; or

Notes

^a The terms and conditions upon which such equity participation may be obtained would need to be further elaborated in the regulations

- (b) If 25 per cent of that number of blocks is a whole number and a fraction, the next higher whole number of the blocks.
4. At the end of the fifteenth year from the date of the contract, or when the contractor applies for exploitation rights, whichever is the earlier, the contractor shall nominate 25 blocks from the remaining number of blocks allocated to it, which shall be retained by the contractor. The remaining blocks shall be relinquished.
5. In the case of a contract for exploration for cobalt crusts, the total number of blocks allocated to the contractor shall not exceed 40. The contractor shall relinquish the blocks allocated to it in accordance with paragraphs 6, 7 and 8 of this regulation.
6. At the end of the third year from the date of the contract, the contractor shall relinquish:
- (a) 20 per cent of the number of blocks allocated to it; or
- (b) If 20 per cent of that number of blocks is a whole number and a fraction, the next higher whole number of the blocks.
7. At the end of the fifth year from the date of the contract, the contractor shall relinquish:
- (a) An additional 10 per cent of the number of blocks allocated to it; or
- (b) If 10 per cent of that number of blocks is a whole number and a fraction, the next higher whole number of the blocks.
8. At the end of the eighth year from the date of the contract, the contractor shall relinquish an additional 20 per cent of the number of blocks allocated to it or such larger amount as would exceed the exploitation area decided upon by the Authority.
9. Relinquished blocks shall revert to the Area.
10. The Council may, at the request of the contractor, and on the recommendation of the Commission, in exceptional circumstances, defer the schedule of relinquishment. Such exceptional circumstances shall be determined by the Council and shall include, inter alia, consideration of prevailing economic circumstances or other unforeseen exceptional circumstances arising in connection with the operational activities of the Contractor.

ISBA/7/C/4

Status of contracts for exploration issued in accordance with the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area

Report of the secretary-General

Date: 22 June 2001

1. By the final session of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, seven pioneer investors had been registered by the General Committee under the provisions of resolution II of the Third United Nations Conference on the Law of the Sea. The registered pioneer investors

were: India, on 17 August 1987; Institut français de recherche pour l'exploitation de la mer/Association française pour l'étude et la recherche des nodules (IFREMER/AFERNOD) (France), Deep Ocean Resources Development Company Ltd. (DORD) (Japan) and Yuzhmorgeologiya [Union of Soviet Socialist Republics (now Russian Federation)], all on 17 December 1987; China Ocean Mineral Resources Research and Development Company (COMRA) (China), on 5 March 1991; Interoceanmetal Joint Organization (IOM) [Bulgaria, Cuba, Czech and Slovak Federal Republic (now Czech Republic and Slovakia)], Poland and Union of Soviet Socialist Republics (now Russian Federation), on 21 August 1991; and Republic of Korea, on 2 August 1994.

2. In accordance with paragraph 6 (a) (ii) of section 1 of the annex to the Agreement for the implementation of Part XI of the United Nations Convention on the Law of the Sea, of 10 December 1982, a registered pioneer investor was entitled to request approval of a plan of work for exploration within 36 months of the entry into force of the Convention, that is, by 16 November 1997. Pursuant to that provision, all seven registered pioneer investors submitted to the Secretary-General requests for approval of their plans of work for exploration on 19 August 1997. In accordance with the provisions of the Agreement, such plans of work consisted of the documents, reports and other data submitted to the Preparatory Commission both before and after registration, as well as the certificate of compliance issued by the Preparatory Commission in accordance with resolution II, paragraph 11 (a).¹

3. The requests for approval of plans of work for exploration were considered by the Legal and Technical Commission on 21 August 1997. In relation to each request, the Legal and Technical Commission ascertained that the requirements of the Agreement had been met. At its 22nd meeting, on 27 August 1997, the Council, acting on the recommendation of the Legal and Technical Commission, noted that, in accordance with paragraph 6 (a) (ii) of section 1 of the annex to the Agreement, the plans of work for exploration submitted by the seven registered pioneer investors were considered to be approved and requested the Secretary-General to take the necessary steps to issue the plans of work in the form of contracts incorporating the applicable obligations under the provisions of the Convention and the Agreement and resolution II, and in accordance with the regulations for prospecting and exploration for polymetallic nodules in the Area and a standard form of contract to be approved by the Council.²

4. In July 2000, the Assembly, on the recommendation of the Council, approved the Regulations for Prospecting and Exploration for Polymetallic Nodules in the Area, including the standard form of exploration contract and the standard clauses for exploration contracts.³ Thereafter, in accordance with the directive of the Council, it became incumbent upon the Secretary-General to prepare draft contracts for exploration in respect of each of the seven registered pioneer investors and accordingly draft contracts were prepared and submitted to each of the registered pioneer investors in August 2000.

5. Following discussions with each of the pioneer investors, the first contracts for exploration were signed on 29 March 2001 at the headquarters of the Authority. The contract between the Authority and the State Enterprise Yuzhmorgeologiya (Russian Federation) was signed by the Secretary-General and the Deputy Minister-State Secretary of the Ministry of Natural Resources of the Russian Federation, Ivan F. Glumov. The contract between the Authority and IOM was signed by the Secretary-General and the Director-General of IOM, Ryszard Kotlinski. On the same date, the Secretary-General also signed a contract with the Republic of Korea, which was signed at Seoul on 27 April 2001 by the Minister for Maritime Affairs and Fisheries of the Republic of Korea, Woo-Taik Chung.

6. The contract between the Authority and COMRA was signed by the Secretary-General and Jin Jiancai, Secretary-General of COMRA, at Beijing on 22 May 2001. The contract between the Authority and DORD was signed by the Secretary-General and Toshio Takada, the President of DORD, at Kingston on 20 June 2001. On the same date, the contract between the Authority and IFREMER/AFERNOD was signed by the Secretary-General and the Permanent Representative of France to the Authority, Pierre-Antoine Bernard, on behalf of the President/Director-General of IFREMER.

7. In accordance with the provisions of the Regulations, each contractor has provided, as schedule 2 of the contract, its programme of activities for the first five-year period under the contract. In addition, pursuant to section 6.1 of the standard clauses, contingency plans had been submitted by Yuzhmorgeologiya and IOM. In the case of DORD, a letter had been submitted to the Secretary-General confirming that no at-sea activities will take place during the first five years of the contract. Contingency plans will be submitted by COMRA and IFREMER/AFERNOD in due course.

8. The contract between the Authority and India had not yet been signed when the present report was prepared, nor had any programme of activities been proposed. At the present time, no date for signature has been established.

Notes

¹ In the case of the Republic of Korea, which was unable to obtain a certificate of compliance before the Preparatory Commission concluded its work, a statement describing the status of the implementation of the obligations by the registered pioneer investor was issued in lieu of the certificate of compliance (ISBA/3/C/6).

² ISBA/3/C/9.

³ ISBA/6/A/18.

ISBA/7/C/5

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

Date: 5 July 2001

1. The Legal and Technical Commission held five meetings during the seventh session of the Authority. The Commission re-elected Inge Zaamwani (Namibia) as Chairman and Boris Winterhalter (Finland) as Vice-Chairman.
2. The Commission considered the following items:
 - (a) Draft recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for polymetallic nodules in the Area (ISBA/7/LTC/1);
 - (b) Report on the final relinquishment of the pioneer area submitted by Interoceanmetal Joint Organization (ISBA/7/LTC/R.1);
 - (c) Periodic report on the activities of India for the period from 1 January to 31 December 2000 (ISBA/7/LTC/R.2);
 - (d) Report on training programmes under resolution II of the Third United Nations Conference on the Law of the Sea (ISBA/7/LTC/2);

(e) Report on resource assessment of the reserved areas of the Authority in the Pacific and Indian Oceans.

3. At its first meeting the Commission began its consideration of the draft recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for polymetallic nodules in the Area, prepared by the Secretariat in the light of the discussions that had taken place during the meetings of the Commission in 2000 and taking into account comments submitted by individual members of the Commission.

4. The Commission further revised the document and made technical adjustments to the draft recommendations. The Commission also revised the explanatory commentary contained in the annex to the document in the light of the preliminary outcomes and recommendations of the Authority's workshop on standardization of environmental data, which was held from 25 to 29 June 2001. On 4 July 2001, the Commission adopted the recommendations for guidance and decided to issue them pursuant to regulation 38 of the Regulations for Prospecting and Exploration for Polymetallic Nodules in the Area (ISBA/6/A/18).

5. The recommendations for guidance (ISBA/7/LTC/1/Rev.1) describe the procedures to be followed in the acquisition of baseline data and the monitoring to be performed during and after any activities in the exploration area with potential to cause serious harm to the environment. Their specific purposes are:

(a) To define the biological, chemical, geological and physical components to be measured and the procedures to be followed by contractors to ensure effective protection of the marine environment from harmful effects which may arise from the contractors' activities in the Area;

(b) To facilitate reporting by contractors;

(c) To provide guidance to potential contractors in preparing a plan of work for exploration for polymetallic nodules in conformity with the provisions of the Convention, the 1994 Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea, and the Regulations.

6. The Commission noted with interest the preliminary outcomes of the workshop on standardization of environmental data held from 25 to 29 June 2001. It welcomed in particular the list of critical community-wide scientific questions identified by the workshop and agreed with the recommendation that the Authority should facilitate additional research programmes to address these questions, using additional resources. As proposed by the workshop, such facilitation may take the form of bringing scientists and funding agency representatives together for discussions, providing support for the writing of research proposals and convening a workshop devoted to the formulation of coordinated scientific research plans. In particular, the Commission noted the benefits of collaborative work and cooperation between contractors.

7. The Commission reviewed a report on the final relinquishment of the pioneer area submitted by Interoceanmetal Joint Organization (IOM) pursuant to resolution II. It took note of the fact that IOM had completed its obligations to relinquish parts of its pioneer area in accordance with resolution II.

8. The Commission also took note of a periodic report on the activities of the Government of India for the period from 1 January to 31 December 2000. The Commission expressed particular interest in the environmental impact assessment programme carried

out by the Government of India. In addition, the Commission suggested that it would be useful in future for contractors to attend meetings of the Commission in order to present their annual reports and discuss the contents of the report with the Commission.

9. The Commission noted that, in future, reports by contractors would need to comply with the provisions of the Regulations for Prospecting and Exploration for Polymetallic Nodules in the Area and should be far more detailed than had been the practice under resolution II.

10. As requested by the Commission at its meeting in 2000, the Secretariat presented a report on the status of training carried out by registered pioneer investors since 1990. The Commission took note of the report, which it considered to be a useful basis for the consideration of future training programmes.

11. The Commission reviewed the contracts for exploration that had been signed by the Authority and six contractors, namely:

- (a) China Ocean Mineral Resources Research and Development Association;
- (b) Deep Ocean Resources Development Co. Ltd.;
- (c) Institut Français de Recherche pour l'Exploitation de la Mer;
- (d) Interoceanmetal Organization;
- (e) Republic of Korea;
- (f) State Enterprise Yuzhmoregeologiya.

12. The Secretariat presented a report on the outcome of its efforts to produce a resource assessment of the metals of economic interest to be found in polymetallic nodule resources in the Authority's reserved areas. The areas reserved for the conduct of activities by the Authority are to be found in the Pacific Ocean (between longitudes 118° and 115° West and latitudes 7° and 16° North) and in the central Indian Ocean (between longitudes 73° and 79° East and latitudes 10° and 17° South).

13. Following a presentation on the subject that included the steps that the Secretariat had taken to merge the six data sets provided for the Pacific Ocean and a meeting with representatives of the pioneer investors to assist the Secretariat with explanations for the discrepancies found in the data sets, the Commission discussed the report and its findings.

14. The Commission took note of the report and suggested that the Secretariat should:

- (a) Request from the concerned pioneer investors any additional data and information that they may have on the reserved areas;
- (b) Try to obtain data and information on the reserved areas from potential applicants;
- (c) Try to obtain more information on the bathymetry of the Clarion-Clipperton Fracture Zone in the Pacific Ocean;
- (d) Develop a geological model of the Clarion-Clipperton Fracture Zone in order to better understand the distribution of resources in this important geological area for nodule occurrences.

15. Finally, the Commission took note of other international issues which might affect the work of the Authority currently under discussion in other forums, such as the United Nations Informal Consultative Process established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments

in ocean affairs. Such issues included better coordination of certain aspects of marine scientific research, the conservation and management of genetic resources in the seabed and the establishment of marine protected areas on the high seas. The Commission stressed the need to continue to monitor those developments insofar as they had the potential to impact upon the functions and responsibilities of the Authority, as well as the need for international cooperation between the Authority and other international organizations.

**ISBA/7/C/6 Decision of the Council relating to the election of members of the
Legal and Technical Commission**

Date: 5 July 2001
72nd meeting

The Council of the International Seabed Authority

Decides, having regard to the provisions of article 163, paragraph 2, of the 1982 United Nations Convention on the Law of the Sea, but without prejudice to future elections, to increase the size of the Legal and Technical Commission to 24 members,

Elects the following as members of the Legal and Technical Commission for a five-year term of office:

Adamhar, Ferry (Indonesia)
Addam, Sami Ahmad (Lebanon)
Amjad, Shahid (Pakistan)
Armas Pfirter, Frida Maria (Argentina)
Beiersdorf, Helmut (Germany)
Betah, Samuel Sona (Cameroon)
Bjørlykke, Arne (Norway)
Carrera Hurtado, Galo (Mexico)
De Sá Leitão, Walter (Brazil)
Diène, Baïdy (Senegal)
Dos Santos Alberto Chissano, Miguel (Mozambique)
Gomaa, Mohammed M. (Egypt)
Glumov, Ivan F. (Russian Federation)
Hoffmann, Albert (South Africa)
Kajitani, Yuji (Japan)
Kang, Jung-Keuk (Republic of Korea)
Lenoble, Jean-Pierre (France)
Parson, Lindsay Murray (United Kingdom)

Ravindran, M. (India)
Rosa, Giovanni (Italy)
Simpson, Alfred Thomas (Fiji)
Urquiza Caroca, Rodrigo Miguel (Chile)
Yuwei, Li (China)
Zaamwani, Inge K. (Namibia)

Decides also that the term of office of the members of the Legal and Technical Commission shall commence on 1 January 2002;

Decides further that for the purposes of future elections, Ms. Frida Maria Armas Pfirter (Argentina) shall be eligible for re-election for a further term of office notwithstanding her previous election as an additional member of the Commission on 22 March 2000.¹

Notes

¹ ISBA/6/C/3

ISBA/7/C/7

Statement of the President on the work of the Council at the seventh session

Date: 12 July 2001

1. The seventh session of the International Seabed Authority was held at Kingston, Jamaica from 2 to 13 July 2001.

Adoption of the agenda

2. At its 70th meeting, on 3 July 2000, the Council adopted the agenda for the seventh session (ISBA/7/C/1).

Election of the President and Vice-Presidents of the Council

3. At the 70th meeting, on 3 July 2001, Mr. Tadeusz Bachleda-Curuś (Poland) was elected President of the Council for 2001. Subsequently, following consultations in the regional groups, the representatives of Indonesia (Asian Group), the Sudan (African Group), Trinidad and Tobago (Latin American and Caribbean Group) and Portugal (Western European and Others Group) were elected as Vice-Presidents. In the absence of Mr. Bachleda-Curuś, the meetings of the Council on 3, 4 and 5 July were chaired by Mr. Hasjim Djalal (Indonesia) as Vice-President of the Council.

Election of members of the Legal and Technical Commission

4. The Council was informed by the Secretary-General that, as at 4 July 2001, 24 nominations had been received for membership of the Legal and Technical Commission. At the 72nd meeting, on 5 July 2001, following consultations between the regional groups and interest groups, the Council decided, in accordance with article 163, paragraph 2, of the Convention, to increase the size of the Legal and Technical Commission to 24 members, without prejudice to future elections and the claims of the regional groups and interest groups. On the same date, the Council elected the following 24 candidates as members of the Commission: Sami Ahmad Addam (Lebanon), Ferry Adhamhar (Indonesia), Shahid Amjad (Pakistan), Frida Maria Armas Pfirter (Argentina), Helmut Beiersdorf (Germany), Samuel Sonah Betah (Cameroon), Arne Bjørlykke (Norway), Baïdy Diène (Senegal), Galo Carrera Hurtado (Mexico), Walter de Sá Leitão (Brazil), Miguel Dos Santos Alberto Chissano (Mozambique), Ivan F. Glumov (Russian Federation), Mohammed M. Goma (Egypt), Albert Hoffman (South Africa), Yuji Kajitani (Japan), Jung-Keuk Kang (Republic of Korea), Jean-Pierre Lenoble (France), Yuwei Li (China), Lindsay Murray Parson (United Kingdom of Great Britain and Northern Ireland), M. Ravindran (India), Giovanni Rosa (Italy), Alfred Thomas Simpson (Fiji), Rodrigo Miguel Urquiza Caroca (Chile) and Inge K. Zaamwani (Namibia). The decision of the Council relating to the election of members of the Legal and Technical Commission is contained in document ISBA/7/C/6.

5. Several members of the Council expressed concern over the imbalance in regional representation in the membership of the Legal and Technical Commission. Some members considered that the requirements for equitable geographic representation and representation of special interests were not being respected. It was noted that the decision of the Council relating to the present election was without prejudice to future elections and the claims of regional groups and interest groups.

6. The Council decided that, for future elections to the Legal and Technical Commission, in order to allow members of the Council adequate time to review the candidacies, nominations and curricula vitae of candidates for election should be submitted to the Secretary-General not later than two months prior to the opening of the session at which the election is to take place. In addition, the Secretariat was requested to consider whether it might be possible to provide the Council with an indication of the likely programme of work for the Commission prior to each election, so that members of the Council could make informed judgements of the type of qualifications needed for members of the Commission.

7. Several members of the Council also reminded the Council of the need for financial assistance to enable effective participation in meetings of the Commission by members from developing countries, noting that the issue had been raised at the fifth session of the Authority in 1999 (ISBA/5/C/11). The Council requested the Secretariat to prepare a study of possible modalities for such financial assistance for the next session of the Authority. The Council also recalled its decision recorded in the statement of the President on the work of the Council at the fifth session (*ibid.*, para. 10), whereby the Council had encouraged all members of the Commission to attend meetings of the Commission and requested the Secretary-General, when notifying members of the date of the meeting, to write both to the members individually and to their respective Governments. The Council further recalled its request to the Secretary-General that, in the case of members who had failed to attend consecutive meetings of the Commission, the Secretary-General should try to ascertain whether such members intended to maintain their seats on the Commission.

Status of contracts for exploration issued in accordance with the Regulations for Prospecting and Exploration for Polymetallic Nodules in the Area

8. The Secretary-General reported to the Council on the status of contracts for exploration. The Council noted with satisfaction the signature of contracts with China Ocean Mineral Resources Research and Development Association (China), Deep Ocean Resources Development Company Ltd. (Japan), Interoceanmetal Joint Organization (Bulgaria, Cuba, Czech Republic, Poland, Slovakia and Russian Federation), Institut français de recherche pour l'exploitation de la mer/Association française pour l'étude et la recherche des nodules (IFREMER/AFERNOD) (France), the Republic of Korea and the State enterprise Yuzhmorgeologiya (Russian Federation). The Council expressed the hope that the contract with the Government of India would be concluded in the near future.

Report of the Legal and Technical Commission

9. At its 74th meeting, on 6 July 2001, the Council received the report of the Chairman of the Legal and Technical Commission on the work of the Commission during the seventh session (ISBA/7/C/5). The Council noted the contents of the report and further noted that, in accordance with regulation 38 of the Regulations for Prospecting and Exploration for Polymetallic Nodules in the Area, the Commission had adopted and issued its recommendations for the guidance of contractors for the assessment of possible environmental impacts arising from exploration for polymetallic nodules in the Area (ISBA/7/LTC/1/Rev.1 and Corr.1). The Council decided that further consideration should be given to the recommendations at its next session, as may be necessary.

10. The Council also acknowledged the contribution of the outgoing members of the Commission to the work of the Authority.

Considerations relating to the regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the Area

11. The Secretary-General introduced a paper prepared by the Secretariat on considerations relating to the regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the Area (ISBA/7/C/2). The Council was also provided with an audio-visual briefing on the characteristics of polymetallic sulphides and cobalt-rich crusts and their known locations.

12. The Council held extensive discussions on how to proceed with the consideration of the issues contained in the paper. Following its discussions, the Council decided to continue consideration of issues relating to the elaboration of regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the Area at its next session in order to give the members of the Council the opportunity to consider further the important conceptual issues involved so as to enable it to take the necessary decisions. The Council also decided to request the Secretariat to collect and assemble the necessary information to facilitate further discussion in the Council on important considerations raised in the Secretariat paper and to assist the Legal and Technical Commission in its work. The Council further decided that, in the meantime, the Legal and Technical Commission would commence consideration of the issues involved in the elaboration of regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the Area.

Next meeting of the Council

13. The next meeting of the Council will be held at Kingston, Jamaica, from 5 to 16 August 2002.

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*** Appears in this publication**

CUMULATIVE INDEX TO THE MAIN DOCUMENTS OF THE ASSEMBLY AND THE COUNCIL FROM 1994 TO 2000

Note:

This cumulative index contains a complete list of the main documents of the Assembly and Council from the first session (1994) to the sixth session (2000). Documents of the International Seabed Authority begin with the letters "ISBA". This is a list of all formal A (Assembly) and C (Council) documents (each 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. 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/4/A1).

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. An account of the meetings of the organs of the Authority may be found in the press releases issued by the Authority, but these are not official records and are not necessarily accurate. 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.

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ISBA/6/C/INF/1	Outstanding issues with respect to the draft regulations on prospecting and exploration for polymetallic nodules in the Area (ISBA/5/C/4/Rev.1). Note by the Secretariat
ISBA/6/C/1	Agenda of the Council
ISBA/6/C/2*	Draft Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. Revision of ISBA/5/C/4/Rev.1 of 14 October 1999, prepared by the Secretariat together with the President of the Council
ISBA/6/C/3	Statement of the President on the work of the Council at the sixth session
ISBA/6/C/4	Proposed budget of the International Seabed Authority for the financial period 2001-2002. Report of the Secretary-General
ISBA/6/C/5	Election to fill a vacancy on the Legal and Technical Commission in accordance with subsection C, article 163, paragraph 7, of Part XI of the United Nations Convention on the Law of the Sea. Note by the Secretary-General
ISBA/6/C/6	Proposed budget of the International Seabed Authority for the financial period 2001 to 2002. Report of the Finance Committee
ISBA/6/C/7	Decision of the Council relating to the budget of the International Seabed Authority for the financial period 2001-2002
ISBA/6/C/8	Draft Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. Proposal by the President of the Council
ISBA/6/C/8/Corr.1	Draft Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. Proposal by the President of the Council. Corrigendum
ISBA/6/C/9	Decision of the Council of the Authority concerning the Rules of Procedure of the Legal and Technical Commission
ISBA/6/C/10	Decision of the Council of the Authority concerning the Staff Regulations of the Authority
ISBA/6/C/11	Report of the Chairman of the Legal and Technical Commission on the work of the Commission during the resumed sixth session
ISBA/6/C/12	Decision of the Council of the International Seabed Authority relating to the regulations on prospecting and exploration for polymetallic nodules in the Area
ISBA/6/C/13	Statement of the President on the work of the Council at the resumed sixth session
ISBA/6/C/L.1	Provisional agenda of the Council
ISBA/6/C/L.2	Draft staff regulations of the International Seabed Authority
ISBA/6/C/L.3	Proposal submitted by the delegation of Chile concerning document ISBA/5/C/4/Rev.1 of 14 October 1999
ISBA/6/C/L.4	Draft decision of the Council of the Authority concerning the Rules of Procedure of the Legal and Technical Commission

- ISBA/6/C/L.5 Draft decision of the Council relating to the budget for the financial period 2001-2002
- ISBA/6/C/L.6 Draft decision of the Council of the International Seabed Authority concerning the Staff Regulations of the Authority
- ISBA/6/C/L.7 Draft decision of the Council of the International Seabed Authority relating to the regulations on prospecting and exploration for polymetallic nodules in the Area