



## Assembly

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### Sixteenth session

Kingston, Jamaica

26 April-7 May 2010

## Statement of the President of the Assembly of the International Seabed Authority on the work of the Assembly at its sixteenth session

1. The sixteenth session of the Assembly of the International Seabed Authority was held at Kingston from 26 April to 7 May 2010.

### I. Adoption of the agenda

2. At its 125th meeting, on 27 April 2010, the Assembly adopted its agenda for the sixteenth session (ISBA/16/A/1).

### II. Election of the President and Vice-Presidents of the Assembly

3. At the 125th meeting, Ambassador Jesus Silva-Fernandez (Spain) was elected President of the Assembly for the sixteenth session.

4. At the 125th and 126th meetings, following consultations in the regional groups, the representatives of Bangladesh (Group of Asian States), Uganda (Group of African States), Trinidad and Tobago (Group of Latin American and Caribbean States) and the Czech Republic (Group of Eastern European and other States) were elected as Vice-Presidents.

### III. Elections to fill a vacancy in the Finance Committee

5. At its 125th meeting, the Assembly was invited to note that Soe Lynn Han (Myanmar) and Neeru Chadha (India) had resigned from the Finance Committee effective 9 March 2010. The Assembly was informed that the Permanent Mission of Myanmar to the United Nations had notified the Secretary-General by note verbale on 15 March 2010 that Zaw Minn Aung had been nominated to replace Mr. Han for the remainder of his term on the Finance Committee. The Assembly was also informed that the Permanent Mission of India to the United Nations had also



notified the Secretary-General by note verbale on 1 April 2010 of the nomination of Pradip Kumar Choudhary to replace Ms. Chadha. The Assembly elected Zaw Minn Aung as member of the Finance Committee for the remainder of the term of Mr. Han, and Pradip Kumar Choudhary as a member of the Finance Committee for the remainder of the term of Ms. Chadha.

#### **IV. Requests by the International Cable Protection Committee and the OSPAR Commission for observer status in the Assembly**

6. At its 125th meeting, the Assembly considered requests for observer status by the International Cable Protection Committee and OSPAR Commission and decided to invite them to participate as observers in its meetings.

#### **V. Report of the Secretary-General**

7. At the 126th meeting, on 29 April 2010, the Secretary-General introduced his annual report to the Assembly (ISBA/16/A/2), as required under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea.

8. The report provided a detailed account of the Authority's work over the past year as well as an overview of the outcomes of its programme of work for 2008-2010. It also outlined the main trends of the proposed programme of work for 2011-2013, covering such matters as supervision of contracts for exploration and award of new ones; progressive development of the regulatory regime for activities in the Area; promotion and encouragement of marine scientific research in the Area; and database development.

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

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

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

12. The report noted that the International Seabed Authority Endowment Fund for Marine Scientific Research in the Area, established in 2006, has to date disbursed \$254,312 through six awards for activities that promote capacity-building. A total of 16 scientists from developing countries have received financial support, with the names and nationalities of a further 7 yet to be finalized. One award is currently

enabling a researcher from Papua New Guinea to pursue studies at Duke University in the United States of America. The Fund's Advisory Panel had also recommended an award for the participation of two scientists from India in an investigation of the geology of the Shag Rock Passage on the North Scotia Ridge. During this year, funds will be provided for the participation of two scientists from developing countries in a research programme planned by the China Ocean Mineral Resources Research and Development Association in the Indian Ocean.

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

14. A number of studies and workshops were also being planned or envisaged. An international workshop will be convened during 2010 to review further a proposal under consideration by the Legal and Technical Commission for the establishment of a network of areas of particular environmental interest in the Clarion-Clipperton fracture zone of the Central Pacific Ocean. The objective of the workshop will be to obtain the best possible scientific and policy advice on the formulation of an environmental management plan at the regional scale for the area.

15. A preliminary study by a group of experts is envisaged for the purpose of examining some of the issues associated with the development of an exploitation code, including relevant experience from offshore oil and gas development, as well as comparisons with fiscal regimes for land-based mining.

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

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

18. In concluding observations, the report stated that the efforts of the current contractors involved with the Authority were primarily directed at long-term geologic and environmental studies, rather than commercially driven research and development. Investment in mining technology in particular remained at a very preliminary stage.

19. Statements on the report of the Secretary-General were made by the delegations of Argentina, Australia, Bangladesh, Brazil, Cameroon, Chile, China, Côte d'Ivoire, Cuba, Fiji, Germany, Ghana, India, Indonesia, Jamaica, Japan, Mexico, Namibia, Nicaragua, Nigeria, the Russian Federation, Senegal, South Africa, Spain, Trinidad and Tobago, Tunisia, Uganda, the United Republic of Tanzania and the United Kingdom of Great Britain and Northern Ireland. The observer delegation of the United Nations also made a statement.

20. Members of the Authority expressed their satisfaction with the annual report issued by the Secretary-General and indicated their support for the work that had been undertaken by the Authority.

21. Member States also spoke on a range of issues, including the status of assessed contributions of members to meet the expenses of the Authority and the need for timely adoption of the draft sulphides regulations.

22. Delegations supported and welcomed the interactions of the secretariat with the International Cable Protection Committee, the Secretariat of the Convention on Biological Diversity and the OSPAR Commission.

23. Delegations also expressed appreciation for the Authority's efforts to promote knowledge and understanding of deep sea ecology through the organization of technical workshops and sensitization seminars and requested that similar seminars continue to be held to promote the Authority and its work, subject to invitation by member States.

24. Some delegations commented on the work of the Commission on the Limits of the Continental Shelf, established under article 76, paragraph 8, and annex II of the United Nations Convention on the Law of the Sea, in considering data and information submitted by coastal States where those limits extend beyond 200 nautical miles.

25. Delegations urged the 22 members of the Authority that had not yet become parties to the 1994 Agreement relating to the Implementation of Part XI of the Convention to become parties to it as soon as possible. Delegations also welcomed Chad, the Dominican Republic and Switzerland, which had become parties to the 1994 Agreement in the previous year.

26. Delegations also urged member States that had not yet ratified the Protocol on the Privileges and Immunities of the Authority (ISBA/4/A/8, annex) to do so. It was noted that, as at 28 February 2009, 31 members were parties to the Protocol.

27. Delegations also expressed their appreciation for the Voluntary Trust Fund, noting that it had helped to ensure the participation of members from developing countries in meetings of the Legal and Technical Commission and the Finance Committee. Nigeria announced that it would be making a contribution to the Fund.

28. The value of the Endowment Fund was acknowledged by many delegations, who noted that it would help scientists from developing countries participate in activities in the Area, thus strengthening the concept of the common heritage of mankind. The delegation of the United Kingdom announced that it would be making a further contribution of \$15,000 as an indication of the importance that the United Kingdom attached to the objectives of the Endowment Fund.

29. On 5 May, Ronald Robinson, Minister of State, Ministry of Foreign Affairs and Foreign Trade of Jamaica, made a statement to the Assembly in which he reiterated his Government's commitment to the International Seabed Authority and reassured the Authority of his country's support as host country.

30. Many delegations expressed their appreciation to the host country for its support of the Authority and the hospitality extended to representatives at sessions of the Authority.

## **VI. Report and recommendations of the Finance Committee**

31. At its 129th meeting, on 6 May 2010, the Assembly considered the report of the Finance Committee (ISBA/16/A/5-ISBA/16/C/8). On the basis of the recommendations of the Council contained in document ISBA/16/C/10, the Assembly decided to adopt the budget for the financial period 2011-2012 in the amount of \$13,014,700, and also recommended that observers attending and participating in the meetings of the Authority be urged to make voluntary contributions to the budget of the Authority, considering that they benefited from the facilities of the Authority.

32. The Assembly also decided to authorize the Secretary-General to establish the scale of assessments for 2011 and 2012 based on the scale used for the regular budget of the United Nations for 2010, taking into account that the maximum assessment rate will be 22 per cent and the minimum rate 0.01 per cent and that the rate of 16.587 per cent shall be applied in assessing the contribution of Japan to the budget of the Authority for 2011 and 2012. The decision of the Assembly relating to the budget of the Authority and related matters is contained in document ISBA/16/A/10.

33. The delegations of Mexico, Trinidad and Tobago and Cuba expressed their hope that, in the future, information on issues such as adjustment of scale of assessment would be passed on to members of the Authority in good time so as to allow for their consideration of the information in advance. The delegation of Nicaragua requested that the adjustment of the assessment scale be applied to both the ceiling rate and the floor rate so that both developed and developing countries could be treated equally. The delegation of Cuba reiterated its position with respect to fully supporting the decision of the Group of 77 and China on the issue and the application of all the methodologies utilized to assess contribution-related positions, and emphasized the financial implications that this adjustment would have for developing countries which were the worst affected by the economic recession.

## **VII. Consideration of proposed amendments to the Staff Regulations of the Authority**

34. At its 129th meeting, on 6 May 2010, the Assembly adopted the revisions to the Staff Regulations of the Authority. The decision is contained in ISBA/16/A/9.

## **VIII. Consideration and approval of the Regulations on prospecting and exploration for polymetallic sulphides in the Area**

35. At its 130th meeting, on 7 April 2010, the Assembly took note of the decision of the Council to adopt and apply provisionally, pending approval by the Assembly, the Regulations on prospecting and exploration for polymetallic sulphides in the Area as contained in ISBA/16/C/L.5. The Assembly approved the Regulations. The decision of the Assembly relating to the Regulations on prospecting and exploration for polymetallic nodules in the Area is contained in document ISBA/16/A/12.

**IX. Amendments to the Staff Regulations of the International Seabed Authority**

**X. Election to fill the vacancies on the Council**

36. At its 130th meeting, on 7 May 2010, the Assembly elected the following as members of the Council for a four-year period as from 1 January 2011, subject to the understandings reached in the regional and interest groups:

**Group A**

Italy<sup>1</sup>  
Russian Federation

**Group B**

Republic of Korea  
France  
Germany

**Group C**

Australia  
Indonesia<sup>2</sup>

**Group D**

Fiji  
Jamaica  
Egypt

**Group E**

Viet Nam  
Qatar<sup>3</sup>  
Cameroon  
Côte d'Ivoire  
Nigeria  
Chile<sup>4</sup>  
Mexico

The decision of the Assembly relating to the election to fill vacancies on the Council is contained in document ISBA/16/A/11.

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<sup>1</sup> It was agreed that Italy would relinquish its seat in Group A in favour of the United States of America if the United States became a member of the Authority; this does not prejudice the position of any country with respect to any intervening election to the Council.

<sup>2</sup> Indonesia is elected for a four-year term as a member of Group C with the understanding that it will relinquish its seat to Chile after two years and will take up the seat in Group E that was previously occupied by Chile for the remainder of the four-year term.

<sup>3</sup> Qatar is elected for a four-year term as a member of Group E with the understanding that it will relinquish its seat to Sri Lanka after two years for the remainder of the four-year term.

<sup>4</sup> Chile is elected for a four-year term in Group E with the understanding that it will relinquish its seat to Indonesia after two years for the remainder of the four-year term.

## **XI. Report of the Credentials Committee**

37. At its 126th meeting, on 29 April 2010, the Assembly appointed a Credentials Committee, in accordance with rule 24 of its rules of procedure. The Committee was composed of Australia, China, Haiti, Namibia, the Russian Federation, Senegal, Spain, Suriname and Viet Nam. Amadou Dame Sall (Senegal) was elected by the Committee as its Chairman.

38. The Committee held one meeting, on 4 May 2010, during which it examined the credentials of representatives participating in the sixteenth session of the Assembly. The Committee had before it a memorandum by the Secretariat dated 4 May 2010 on the status of those credentials. The report of the Committee is contained in document ISBA/16/A/7.

39. At its 129th meeting, on 6 May 2010, the Assembly adopted the report of the Committee, with oral revisions as proposed by its Chairman. The decision of the Assembly relating to credentials is contained in document ISBA/16/A/8.

## **XII. Other matters**

40. The delegation of Argentina drew the attention of the Assembly to some errors in the maps on the Authority's website, including political limits.

41. The Secretariat advised that as soon as the errors had been made known, the necessary corrections were made to the material in question and it explained that in relation to maps appearing in documents and publications and on the website, the Secretariat followed the guidance set out in the United Nations Terminology Bulletin in all references to names and designations and, in particular, included a disclaimer, based on that contained in the annex to administrative instruction ST/AI/189/Add.25/Rev.1 (20 January 1997), which read:

The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever on the part of the Secretariat of the Authority concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitations of its frontiers or boundaries.

42. The Secretariat regretted the error that might have occurred and expressed its gratitude to the delegation of Argentina for pointing out the discrepancy.

## **XIII. Date of the next session of the Assembly**

43. The seventeenth session of the Assembly will be held from 25 April to 6 May 2011. It will be the turn of the Group of Asian States to propose a candidate for the presidency of the Assembly in 2011.