



Council

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Statement of the President of the Council of the International Seabed Authority on the work of the Council during the eighteenth session

1. The eighteenth session of the International Seabed Authority was held in Kingston from 16 to 27 July 2012.

I. Adoption of the agenda

2. At its 173rd meeting, on 17 July 2012, the Council adopted its agenda for the eighteenth session, as contained in document ISBA/18/C/1.

II. Election of the President and Vice-Presidents of the Council

3. At its 173rd meeting, the Council elected Alfredo García (Chile) as President of the Council for 2012. Subsequently, following consultations in the regional groups, the Council elected as Vice-Presidents the representatives of Egypt (African States), China (Asia-Pacific States), Poland (Eastern European States) and the Netherlands (Western European and other States).

III. Report of the Secretary-General concerning the credentials of members of the Council

4. At the 180th meeting, on 26 July 2012, the Secretary-General of the Authority informed the Council that, as at 25 July 2012, credentials had been received from 36 members of the Council. It was noted that, in accordance with the system agreed for the allocation of seats among the regional groups at the first session of the Council, Qatar, on behalf of the Asia-Pacific States, would participate in the meetings of the Council in 2012 without the right to vote. In 2013 it would be the turn of the Latin American and Caribbean States to participate in the meetings of the Council without the right to vote.



IV. Election to fill a vacancy on the Legal and Technical Commission

5. At its 173rd meeting, on 17 July 2012, the Council elected Georgy Alexandrovich Cherkashov (Russian Federation) to fill the vacancy on the Legal and Technical Commission left by the resignation of Denis R. Khramov (Russian Federation).

V. Consideration and adoption of the draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area

6. As agreed at the seventeenth session, the Council continued its consideration of outstanding issues relating to the draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area. The outstanding issues related to draft regulation 12 (total area covered by an application), draft regulation 21 (fees for applications) and draft regulation 27 (relinquishment). Following discussions, the Council was able to agree on the text of the draft regulations. At its 181st meeting, on 26 July 2012, the Council decided, by consensus, to adopt the regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area as contained in document ISBA/18/C/L.3. The decision of the Council in this regard is contained in document ISBA/18/C/23. The annex to the decision sets out the procedures to be followed in the event of overlapping claims.

7. Following the adoption of the regulations, a number of delegations suggested that the three sets of regulations governing prospecting and exploration should be codified into a single consolidated text. The secretariat agreed to examine the possibility of undertaking this task.

VI. Consideration and approval of the recommendations of the Legal and Technical Commission relating to the applications for approval of two plans of work for exploration for polymetallic sulphides

8. At its 179th meeting, on 23 July 2012, the Council considered the reports and recommendations of the Legal and Technical Commission relating to the applications for approval of plans of work for exploration for polymetallic sulphides made by the Government of the Republic of Korea (ISBA/18/C/15) and the Institut français de recherche pour l'exploitation de la mer (IFREMER), sponsored by France (ISBA/18/C/16). At its 181st meeting, on 26 July 2012, the Council, on the recommendation of the Legal and Technical Commission, approved both plans of work for exploration and requested the Secretary-General to issue the plans of work in the form of contracts between the International Seabed Authority and each of the two applicants (ISBA/18/C/24 and ISBA/18/C/26).

VII. Consideration and approval of the recommendations of the Legal and Technical Commission relating to the applications for approval of two plans of work for exploration for polymetallic nodules

9. At its 179th meeting, on 23 July 2012, the Council considered the reports and recommendations of the Legal and Technical Commission relating to the applications for approval of plans of work for exploration for polymetallic nodules made by UK Seabed Resources Ltd., sponsored by the United Kingdom of Great Britain and Northern Ireland (ISBA/18/C/17), Marawa Research and Exploration Ltd., sponsored by Kiribati (ISBA/18/C/18) and G-TEC Sea Mineral Resources NV, sponsored by Belgium (ISBA/18/C/19). At its 181st meeting, on 26 July 2012, the Council, on the recommendation of the Legal and Technical Commission, approved all three plans of work for exploration for polymetallic nodules in the Area and requested the Secretary-General to issue the plans of work in the form of contracts between the International Seabed Authority and each of the applicants (ISBA/18/C/27, ISBA/18/C/25 and ISBA/18/C/28).

VIII. Report of the Legal and Technical Commission

10. At its 178th meeting, on 23 July 2012, the Council received the summary report of the Chair of the Legal and Technical Commission on the work of the Commission during the eighteenth session (ISBA/18/C/20). The report covered the Commission's work on applications for approval of plans of work for exploration; the annual reports of contractors; the periodic review of implementation of plans of work for exploration for polymetallic nodules; training programmes for the Authority and developing States; and the environmental implication of activities in the Area. In the report it was indicated that the Commission had been unable to complete its agenda owing to the substantially increased workload.

11. Several delegations supported the holding by the Commission of two sessions in 2013 in the light of its increased workload. The failure of some contractors to submit their annual reports in a timely manner and to provide detailed financial statements raised concerns among members of the Council. One delegation suggested that all requests for information made by the secretariat to contractors also be addressed to the sponsoring States of those contractors. A number of delegations referred to the training programmes which contractors were required to offer to personnel of the Authority and developing States. Two delegations supported the recommendation of the Commission that training programmes be elaborated and specifically described in applications for approval of plans of work. Two delegations urged the Commission to participate actively in the discussions of the ad hoc open-ended informal working group of the General Assembly to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

12. At its 180th meeting, the Council adopted a decision relating to the matters contained in the summary report of the Chair of the Legal and Technical Commission (ISBA/18/C/21). In its decision, the Council calls upon contractors to submit in a timely manner their annual reports and the results of fieldwork in the detail required and in digital format, and financial statements in accordance with the

terms of their contracts, and to provide data in digital format for inclusion in the database of the Authority, in accordance with the existing Regulations. The Council also requests the Commission, when evaluating the annual reports of the contractors and applications for approval of work in the Area, to provide as full an evaluation as possible, taking into account the confidentiality of information received, in order to facilitate the performance by the Council of its functions.

IX. Environmental management plan for the Clarion-Clipperton Zone

13. At its 180th meeting, on 26 July 2012, the Council approved the environmental management plan for the Clarion-Clipperton Zone as recommended by the Legal and Technical Commission in document ISBA/17/LTC/7. The decision of the Council in this regard is contained in document ISBA/18/C/22.

X. Report of the Finance Committee

14. At its 180th meeting, on 26 July 2012, the Council considered the report of the Finance Committee (ISBA/18/A/4-ISBA/18/C/12) and recommended for adoption by the Assembly of the Authority a budget of \$14,312,948 for the Authority's operations for the financial period 2013-2014. The decision of the Council relating to the budget of the Authority for the financial period 2013-2014 and related matters is contained in document ISBA/18/C/13.

XI. Workplan for the formulation of an exploitation code for nodules

15. At its 180th meeting, on 26 July 2012, the Council considered the report of the Secretary-General on the workplan for the formulation of regulations for the exploitation of polymetallic nodules in the Area (ISBA/18/C/4). A number of delegations endorsed the workplan. Some members felt that the proposed timeline was somewhat optimistic. Some delegations expressed concern about whether the Authority would have the human and financial resources to complete the work involved in formulating the regulations by 2016. One delegation called for the formulation of a legal road map to guide the transition period between the exploration and exploitation phases. Different opinions were also exchanged as to whether, in the light of the similarities between the two existing sets of regulations on exploration, consideration could be given to elaborating a single exploitation code for the three resources, or whether, in spite of similarities, it was appropriate to formulate a set of regulations focused on the exploitation of polymetallic nodules.

XII. Status of fees for processing applications for approval of plans of work

16. The Council considered the report of the Secretary-General on the status of fees paid for processing of applications for approval of plans of work for exploration and related matters (ISBA/18/C/3). The Council decided, on the

recommendation of the Finance Committee, to increase the fee for processing an application for approval of a plan of work for polymetallic nodules from \$250,000 to \$500,000 (ISBA/18/C/13). Noting that the Finance Committee had requested a report from the Secretary-General to be presented to it at its next meeting in 2013 on possible measures to ensure that the cost of administration and supervision of contracts between the Authority and exploration contractors was not borne by member States, the Council decided to take up this issue again at its nineteenth session with a view to adopting measures which are fully consistent with the United Nations Convention on the Law of the Sea and the 1994 Agreement relating to the implementation of Part XI of the Convention. The decision of the Council in this regard is contained in document ISBA/18/C/29.

XIII. Status of national legislation

17. The Council considered the report of the Secretary-General on the status of the laws, regulations and administrative measures adopted by sponsoring States and other members of the Authority with respect to the activities in the Area (ISBA/18/C/8 and Add.1). Eleven delegations commented on the report. One delegation suggested that a database containing the text of national legislation on the deep seabed be developed and uploaded on the Authority's website. Others referred to the approach used by the Committee on the Peaceful Uses of Outer Space, whereby elements to be contained in legislation were identified and options recommended for developing the laws were referred to. These suggestions were supported by a few delegations. The Legal Counsel observed that the compiling of national legislation was a valuable task to undertake and that the secretariat would continue efforts to build its database of information as quickly as resources would allow. In its decision ISBA/18/C/21, the Council requested the Secretary-General to update, on an annual basis, the study of the laws, regulations and administrative measures adopted by sponsoring States and other members of the Authority with respect to activities in the Area, and to invite, for that purpose, sponsoring States and other members of the Authority to provide texts of relevant national laws, regulations and administrative measures to the secretariat.

XIV. Proposal of a list of candidates for election as Secretary-General

18. At its 180th meeting, on 26 July 2012, the Council decided to propose to the Assembly Mr. Nii A. Odunton (Ghana) as the sole candidate for election as Secretary-General (ISBA/18/C/14).

XV. Other matters

19. The Council was informed on the status of the Authority's cooperative relationship with the Commission for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Commission) (ISBA/18/C/10). The delegation of Mexico made a statement in which it indicated that, as pointed out in the memorandum of understanding between the Authority and the OSPAR Commission, cooperation must be on the basis of due respect for the rights and duties of States

and of the Authority, in accordance with the Convention and the 1994 Agreement, in particular the principles governing the Area, together with the nature and fundamental principles of the Authority. Considering the above, the Council noted that the establishment of marine protected areas by the OSPAR Commission was a question of a regional character which concerned the parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic and, as a consequence, affected neither the rights of third States nor those of the Authority.

XVI. Next session of the Council

20. The next session of the Council will be held in Kingston from 16 to 26 July 2013. It will be the turn of the Western European and other States to nominate a candidate for the Presidency of the Council in 2013.
