



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 seventeenth session

1. The seventeenth session of the International Seabed Authority was held in Kingston from 11 to 22 July 2011.

I. Adoption of the agenda

2. At its 162nd meeting, on 12 July 2011, the Council adopted its agenda for the seventeenth session, as contained in document ISBA/17/C/1.

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

3. At its 162nd meeting, the Council elected Andrzej Przybycin (Poland) as President of the Council for 2011. Subsequently, following consultations in the regional groups, the Council elected as Vice-Presidents the representatives of Côte d'Ivoire (Group of African States), Bangladesh (Group of Asian States), Jamaica (Group of Latin American and Caribbean States) and Australia (Group of Western European and other States).

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

4. At the 169th meeting of the Council, on 20 July 2011, the Secretary-General informed the Council that, as of 19 July 2011, 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 election of the Council, Angola, on behalf of the Group of African States, would participate in the meetings of the Council in 2011 without the right to vote. In 2012 it would be the turn of the

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Group of Asian States to nominate a member of the Council 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 162nd meeting, on 12 July 2011, the Council elected Russell Howorth (Fiji) to fill the vacancy on the Legal and Technical Commission caused by the resignation of Isikeli Mataitoga (Fiji).

V. Draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area

6. The Council resumed its consideration of outstanding issues with respect to the draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area. The Council conducted its deliberations on the basis of the text of the draft regulations contained in document ISBA/17/CRP.1/Rev.1, in which the text of the draft regulations as proposed by the Legal and Technical Commission in 2009 (ISBA/16/C/WP.2) had been aligned with the Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area, adopted by the Council in 2010 (ISBA/16/A/12/Rev.1). The Council also considered a proposal made by the delegation of China relating to the size of areas for exploration and relinquishment. At the 166th meeting, two Chinese scientists, Dr. Jiang Kaixi and Dr. He Gaowen, made presentations for the information of members of the Council on “Technical and economic evaluation of cobalt crust mining and processing” and “Determination of the size of areas for exploitation of and exploration for cobalt-rich ferromanganese crusts”.

7. The Council carried out a detailed reading of the entire text of the draft regulations. Agreement was reached on all regulations, with the exception of draft regulations 11, 12, 21 and 27. It was agreed to continue discussion of these outstanding issues at the next session in 2012 and that the adoption of the draft regulations would be the priority for the work of the Council. It was also noted that it would be necessary in due course to adopt a decision of the Council to deal with the possibility of overlapping claims, as had been done in the case of polymetallic sulphides.

VI. Advisory opinion of the Seabed Disputes Chamber on matters relating to the responsibility and liability of sponsoring States

8. On 14 July, the Secretary-General submitted to the Council a report on the advisory opinion of the Seabed Disputes Chamber, adopted on 1 February 2011 (ISBA/17/C/6-ISBA/17/LTC/5). The Council took note with appreciation of the advisory opinion, and recommended that the Assembly also take note of the opinion during the seventeenth session.

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

A. Application submitted by Nauru Ocean Resources Inc.

9. At its 167th and 168th meetings, on 19 July 2011, the Council considered the report and recommendations of the Legal and Technical Commission relating to an application for the approval of a plan of work for exploration for polymetallic nodules in reserved areas by Nauru Ocean Resources Inc. (NORI), sponsored by Nauru (ISBA/17/C/9). Following deliberations, the Council approved the plan of work and requested the Secretary-General to issue the plan of work for exploration for polymetallic nodules in the form of a contract between the Authority and NORI. The decision of the Council in this respect is contained in document ISBA/17/C/14.

B. Application submitted by Tonga Offshore Mining Limited

10. Also at its 167th and 168th meetings, the Council considered the report and recommendations of the Legal and Technical Commission relating to an application for the approval of a plan of work for exploration for polymetallic nodules in reserved areas by Tonga Offshore Mining Limited (TOML), sponsored by Tonga (ISBA/17/C/10). Following deliberations, the Council approved the plan of work and requested the Secretary-General to issue the plan of work for exploration for polymetallic nodules in the form of a contract between the Authority and TOML. The delegations of Germany and the Netherlands noted that paragraph 15 of the Commission's report left room for interpretation on the issue of sponsorship and effective control as it related to regulation 11 (2) of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. Germany stated its view that the issue required further clarification and that, for such reason, it was unable to support the decision to approve the plan of work for exploration of TOML. The decision of the Council with respect to the application by TOML is contained in document ISBA/17/C/15.

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

A. Application submitted by China Ocean Mineral Resources Research and Development Association

11. At its 168th meeting, on 19 July 2011, the Council considered the report and recommendations of the Legal and Technical Commission relating to an application for the approval of a plan of work for exploration for polymetallic sulphides by China Ocean Mineral Resources Research and Development Association (COMRA) (ISBA/17/C/11). Following deliberations, the Council approved the plan of work and requested the Secretary-General to issue the plan of work for exploration for polymetallic sulphides in the form of a contract between the Authority and

COMRA. The decision of the Council in this respect is contained in document ISBA/17/C/16.

B. Application submitted by the Government of the Russian Federation

12. Also at its 168th meeting, the Council considered the report and recommendations of the Legal and Technical Commission relating to an application for the approval of a plan of work for exploration for polymetallic sulphides by the Government of the Russian Federation (ISBA/17/C/12). Following deliberations, the Council approved the plan of work and requested the Secretary-General to issue the plan of work for exploration for polymetallic sulphides in the form of a contract between the Authority and the Government of the Russian Federation. The decision of the Council in this respect is contained in document ISBA/17/C/17.

IX. Report of the Legal and Technical Commission

13. At its 165th meeting, on 15 July 2011, the Council received the summary report of the Chairman of the Legal and Technical Commission on the work of the Commission during the seventeenth session (ISBA/17/C/13), as presented by David Billet, Chairman of the Commission. The Council acknowledged with appreciation the work carried out by the Commission and took note of the report. In particular, the Council expressed its concern over the lack of raw data and the reporting of actual and direct exploration expenditures by the contractors. It reaffirmed the obligations of contractors to comply fully with the terms and conditions of the contract, including the reporting of environmental data and actual and direct exploration expenditures in accordance with the applicable Regulations and the standard terms of contracts. The Council also welcomed the proposal of the Commission to recommend standards and guidelines that could assist sponsoring States in adopting laws, regulations and administrative measures to fulfil their obligations and responsibilities. It endorsed the proposal of the Commission to recommend criteria to provide guidance on the implementation of regulation 23, paragraph 7, of the Sulphides Regulations relating to monopolization of activities in the Area. The Council also welcomed the proposal of the Commission to recommend revisions to Nodules Regulations in order to bring them in line with the Sulphides Regulations, in particular with respect to best environmental practices and the protection of the biodiversity of the Area.

14. Several Council members welcomed suggestions by the Commission that consideration should be given to its holding two sessions a year in view of its anticipated future workload. Some delegations suggested that it would be useful for the members of the Commission to remain for the full two-week session so that the Council could call upon their expertise if necessary. Several delegations agreed with the need for the Commission to be aware of the work of the United Nations General Assembly Ad Hoc Open-ended Informal Working Group, as noted in the Chairman's report. It was also suggested that the Chairman or another member of the Commission should attend the meetings of the Working Group.

15. The Council also considered a draft decision of the Council prepared by the Commission relating to an environmental management plan for the Clarion-

Clipperton Zone (annex II to the report of the Chairman of the Commission). Following extensive deliberation, the Council adopted a decision relating to the environmental management plan, as contained in document ISBA/17/C/19.

X. Report of the Finance Committee

16. At its 8th meeting, on 20 July 2011, the Council received the report of the Finance Committee (ISBA/17/A/3-ISBA/17/C/3). The Council took note of the report and expressed its satisfaction to members of the Authority who had announced contributions to the Endowment Fund and to the Voluntary Trust Fund at the seventeenth session. The Council also expressed its satisfaction to the Secretary-General for the efforts on the implementation of the budget and efforts being made to achieve savings to the extent that they were not made at the expense of the quality of services. The decision of the Council with respect to the recommendations of the Finance Committee is contained in document ISBA/17/C/18. The President of the Council, on behalf of the Council, extended appreciation to Ambassador Hasjim Djalal (Indonesia), the outgoing Chairman of the Finance Committee, for his immense contribution to the establishment and work of the Authority over many years.

XI. Election of members of the Legal and Technical Commission

17. The Council took up the issue of the election of members of the Legal and Technical Commission for the period 2012 to 2016. Recalling its decision relating to the procedures for election (ISBA/13/C/6), members of the Council expressed regret that some nominations had been received after the closing date agreed upon by the Council. Nevertheless, the Council noted that, owing to the flexibility shown by members of the Council and regional groups, the total number of candidates for election did not exceed 25, as agreed by the Council in its previous decisions. The Council therefore decided, without prejudice to future elections, and having due regard to economy and efficiency, to increase the number of members of the Commission to 25.

18. At the 172nd meeting, on 21 July 2011, the Council elected the following candidates as members of the Legal and Technical Commission: Adesina Thompson Abdegbie (Nigeria), Farhan M. S. Al-Farhan (Saudi Arabia), David Billet (United Kingdom of Great Britain and Northern Ireland), Harald Brekke (Norway), Winifred M. Broadbelt (Netherlands), Aleksander Čičerov (Slovenia), Domenico Da Empoli (Italy), Laleta Davis-Mattis (Jamaica), Kaiser De Souza (Brazil), Elva Escobar (Mexico), Russell Howorth (Fiji), Kiseong Hyeong (Republic of Korea), Élie Jarmache (France), Emmanuel Kalngui (Cameroon), Denis Gennadyevich Khramov (Russian Federation), Eusebio Lopera (Spain), Pedro Madureira (Portugal), Hussein Mubarak (Egypt), Nobuyuki Okamoto (Japan), Mario Oyarzábal (Argentina), Andrzej Przybycin (Poland), Christian Reichert (Germany), Cristian Rodrigo (Chile), Maruthadu Sudhakar (India) and Haiqi Zhang (China).

19. The Council emphasized the importance of following strictly the agreed procedures for future elections. Members of the Council also emphasized that it was imperative that members of the Commission make every effort to attend and participate in all meetings of the Commission in full.

XII. Other matters

20. The representative of Fiji made a statement (ISBA/17/C/22), supported by other delegations, requesting the Council to take up the formulation of the regulations for mining of deep-sea minerals in the Area. The Council requested the secretariat to prepare a strategic workplan to this effect for consideration at the next session.

XIII. Next meeting of the Council

21. The next meeting of the Council will be held in Kingston from 9 to 27 July 2012. It will be the turn of the Group of Latin American and Caribbean States to nominate a candidate for the Presidency of the Council in 2012.
