

International Seabed Authority

Press Release



**Sixteenth Session
Kingston, Jamaica
26 April - 7 May 2010**

Council (PM)

**SB/16/19
6 May 2010**

SEABED COUNCIL RECOMMENDS ADOPTION BY ASSEMBLY OF DRAFT SULPHIDES REGULATIONS AS IT CONCLUDES SIXTEENTH SESSION

- WILL SEEK ADVISORY OPINION FROM SEABED DISPUTES SEABED CHAMBER OF INTERNATIONAL TRIBUNAL ON LAW OF THE SEA

The Council of the International Seabed Authority, concluding its work of the Authority's sixteenth session in Kingston, this afternoon adopted a set of regulations on prospecting and exploration for polymetallic sulphides in the Area.

The 37-member body also decided to submit a first request for an advisory opinion from the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea, pursuant to Article 191 of the United Nations Convention on the Law of the Sea. The request was originally made by the Government of Nauru for an advisory opinion from the Chamber on the responsibility and liability of Sponsoring States for activities in the Area.

The decision on the draft sulphides regulations ((ISBA/16/C/12)) recommends its adoption by the Assembly, which meets tomorrow. Based on a text agreed upon by the Council yesterday afternoon, it comprises four paragraphs as well as a five-paragraph annex which spells out procedures to be followed to avoid, report on and resolve overlapping claims to areas of work.

The text of the draft decision on a request for an advisory opinion from the Seabed Disputes Chamber of the International Tribunal on the Law of the Sea (ISBA/16/C/L.4/Rev.1) took account of suggestions and proposals put forward by various delegations during the Council's morning session. It reads as follows:

The Council of the International Seabed Authority,

Considering the fact that developmental activities in the Area have already commenced,

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Bearing in mind the exchange of views on legal questions arising within the scope of activities of the Council,

Decides, in accordance with Article 191 of the United Nations Convention on the Law of the Sea, to request the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea, pursuant to Article 131 of the Rules of the Tribunal, to render an advisory opinion on the following questions:

1. What are the legal responsibilities and obligations of States Parties to the Convention with respect to the sponsorship of activities in the Area in accordance with the Convention, in particular Part XI, and the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982?
2. What is the extent of liability of a State Party for any failure to comply with the provisions of the Convention, in particular Part XI, and the 1994 Agreement, by an entity whom it has sponsored under Article 153, paragraph 2 (b), of the Convention?
3. What are the necessary and appropriate measures that a sponsoring State must take in order to fulfill its responsibility under the Convention, in particular Article 139 and Annex III, and the 1994 Agreement?

Several delegations, including Australia, Germany, India, Jamaica, Namibia and Trinidad and Tobago, voiced their support of the document. Canada and the United Kingdom welcomed the inclusion of the second paragraph of the preamble, which brought the request in line with the procedural requirements of Article 191.

In response to Japan's query about the procedure that would follow the submission of the request to the Chamber, the Legal Counsel of the Secretariat explained that the Seabed Disputes Chamber modelled its advisory jurisdiction process on that of the International Court of Justice. A Note would be sent to the Chamber along with all documents pertinent to the request. The Chamber would notify all States parties and other relevant bodies of the request, and at its discretion, might set a date for the matter to be discussed. All interested parties would be invited to make statements at this time and at the end of the process, the Chamber would provide its opinion on the matter.

With regard to the documents that would be submitted with the request, the Legal Counsel assured members that the Secretariat's role was not to present a case on behalf of any party but to prepare a dossier of impartial information for the Chamber's consideration.

In closing the Council's final meeting for 2010, President Syamal Kanti Das (India) likened the sixteenth session to a match in which the Authority had scored three goals: the adoption of the draft regulations on polymetallic sulphides; the decision on the size of the Legal and Technical Commission; and the decision to make the Authority's first submission to the Seabed Disputes Chamber of the International Tribunal on the Law of the Sea. He thanked the members of the Council for a match well played and won.