

International Seabed Authority

Press Release



**Twenty-second Session
Kingston, Jamaica
4-22 July 2016**

Round-up of Session

**SB/22/18
22 July 2016**

ELECTION OF AUTHORITY'S LEGAL COUNSEL AND DEPUTY TO SECRETARY-GENERAL AS NEW HEAD OF INTERNATIONAL SEABED AUTHORITY IN SUCCESSION TO INCUMBENT, AMONG HIGHLIGHTS OF ORGANIZATION'S TWENTY-SECOND SESSION (KINGSTON 11-22 JULY)

Other elections filled vacancies in Authority's executive Council and all seats on an expanded Legal and Technical Commission, as well as on the Finance Committee; Budget adopted for Authority's operations in 2017-2018

Michael W. Lodge, Legal Counsel and Deputy to the Secretary-General, was elected new Secretary-General of the International Seabed Authority by consensus on Thursday, 21 July 2016 as the organization moved through a critical transition phase to exploitation of marine minerals in the deep-sea Area beyond national jurisdiction. He would serve a four-year term from 1 January 2017 to 31 December 2020.

Mr. Lodge succeeded Mr. Nii Allotey Odunton of Ghana, who has been Secretary-General since 2009. The President of the Assembly, Rear Admiral Md Khurshed Alam (Rtd) (Bangladesh), presided over the election in accordance with the Rules of Procedure of the Authority.

Election of Secretary-General

At the start of the meeting, the President of the Assembly referred to paragraph 1 Rule 61 of the Rules of Procedure of the Authority which states that "As a general rule, decision-making in the Authority should be by consensus". He said the Authority had for the most part of its 20-year existence utilized consensus as a convenient tool in arriving at a decision.

To facilitate the achievement of consensus an informal indicative vote was carried out with the agreement of the two candidates – Nii Allotey Odunton, sponsored by Ghana, and Michael W. Lodge, sponsored by the United Kingdom.

Round-up of Session

The process was employed in 1996 to elect the first Secretary-General of the Authority, Ambassador Satya Nandan of Fiji, the President stated. The President suspended the meeting to allow the informal indicative vote to take place.

The results of the vote were communicated only to the President who in turn informed the candidates. When the meeting resumed in formal session, the President announced that Mr. Lodge had, by consensus, become the Secretary-General of the Authority.

Statements after the election

The representative of Ghana expressed her country's appreciation to the President of the Assembly for the smooth conduct of the election process. She stated that the candidature of Mr. Odunton had been withdrawn in the spirit of consensus, and expressed gratitude to all the member States who had supported her country's bid for the post. The representative congratulated Mr. Lodge on his election and assured him of Ghana's full support.

Other delegations congratulated Mr. Lodge on his election and spoke of his expertise and knowledge of matters relating to seabed law, as evidenced by his excellent work during his tenure as Legal Counsel and Deputy Secretary-General of the Authority.

Tributes to Mr. Odunton

Several delegations paid tribute to Secretary-General Odunton. France noted that he had dedicated his entire life to the Law of the Sea and to the notion that the common heritage of mankind should be truly valued. The name of Mr. Odunton, the representative said, was already inscribed in the annals of international law.

Other members of the Assembly, including Brazil, Czech Republic, Fiji, India, Japan, Mexico, Morocco, Nigeria and South Africa spoke of his invaluable contribution. Kenya praised him as "a gallant son of Africa" who had charted a course and set the Authority on a solid foundation. Jamaica and China highlighted the milestones achieved by the Authority under Mr. Odunton's tenure. Cameroon said that generations to come would be inspired by the "the mark in the sand" left by his footsteps.

Prime Minister of Trinidad and Tobago addresses Assembly

Trinidad and Tobago Prime Minister, Dr. Keith Rowley, addressing the Assembly on 22 July, said the mandate of the International Seabed Authority must be expanded to make it responsible to help States implement their obligations under a future legal instrument – being negotiated at the United Nations in New York - on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.

Dr. Rowley, who was on an official visit to Jamaica, said his country, like other developing States, believed that all marine resources in the deep seabed Area beyond national jurisdiction were the common heritage of mankind. He also said the Authority should, as a matter of priority, work on the resolution of important practical issues germane to the uniform

Round-up of Session

implementation of Article 82 of the United Nations Convention on the Law of the Sea. (The article states that it was a duty of States to make contributions in kind with regard to production from non-living resources of the outer continental shelf – that is areas beyond the 200 nautical mile limit.)

Secretary-General's annual report

Secretary-General Odunton, in his annual report to the Assembly presented on 19 July 2016, said that commercialization of marine minerals in areas beyond national jurisdictions were well within reach. He said the Authority was embarking on the road to commercialization of marine minerals and though there were still major obstacles to be overcome, the goals “are well within reach and are attainable in the foreseeable future”.

One of the challenges was proving that deep-seabed mining was feasible, and could be achieved in an environmentally sustainable manner. Another challenge was the adoption of an exploitation code that was transparent and flexible enough to allow for adjustments to its environmental provisions for new information and advances in technology to be incorporated into it.

Article 166, paragraph 4, of the United Nations Convention on the Law of the Sea requires the Secretary-General to report annually to members of the Authority on its work. Details of the report are contained in document ISBA/22/A/2 and on the Authority's website.

The Secretary-General announced that the membership of the Authority had risen to 168 with the ratification of the United Nations Convention on the Law of the Sea by Azerbaijan on 16 June 2016. He urged the 19 members who had signed the Convention but were yet to become party to the 1994 Agreement relating to the Implementation of Article XI annexed to the Convention to do so.

On the status of members' contributions, the Secretary-General reported that as at 18 July 2016, 44 members of the Authority were in arrears for two years or more. He urged these members to settle their arrears promptly.

With regard to the status of exploration and exploitation in the Area, the Secretary-General reported that as at 31 May 2016, 24 contracts for exploration had entered into force (15 for polymetallic nodules, 5 for polymetallic sulphides and 4 for cobalt-rich ferromanganese crusts).

The Secretary-General said that since the Authority's twenty-first session, three new contracts had been signed. On 9 November 2015, a contract for exploration for cobalt-rich ferromanganese crusts with the Companhia de Pesquisa de Recursos Minerais was signed in Brasilia and on 29 March 2016, a second contract for exploration for polymetallic nodules was signed in New York with the UK Seabed Resources Ltd. A contract for exploration for polymetallic nodules with the Cook Islands Investment Corporation was signed during this session. It was anticipated that pending contracts with India and with the China Minmetals Corporation will be signed during 2016.

Round-up of Session

Financial matters

A budget of \$17,130,700 for the financial period 2017-2018 was approved by the Council. The budget, recommended in a report of the Finance Committee, reflected an increase over the previous budget of 8.81 per cent. The Working Capital Fund was increased by \$100,000 to \$660,000, to be spread evenly over the next two biennium periods. Under a new format adopted this year, the budget was broken down into two sub-sections: administrative and conference services expenditures and programme expenditures.

The balance of the Endowment Fund totalled \$ 3,482,623 as at 30 June 2016, Contributions were made to the Endowment Fund since the last session by IFREMER (\$2,777) and the Government of Mexico (\$7,500). As at 30 June 2016, the balance of the Voluntary Trust Fund in the amount of \$200,099, with contributions from China (\$40,000) and Argentina (\$10,000).

Jamaican Minister speaks in Assembly debate

Jamaica's Minister of Foreign Affairs and Foreign Trade, Senator the Honourable Kamina Johnson Smith, speaking on the Secretary-General's report, was pleased to note that the Caribbean State of Antigua and Barbuda had recently ratified the Convention, and called attention to the importance of ratifying the protocol as ratification "increases the strength of our Authority." As a committed State party and a small island state, Jamaica was committed to the preservation of the marine environment, she said, adding that her country was fully aware that the health of the deep seas was critical for the health of humankind. The minister reaffirmed the commitment of the government and people of Jamaica to the International Seabed Authority.

Elections**Council**

The new Council members elected on 21 July 2016 by a decision of the Assembly (document ISBA/A/12) are as follows:

- Group A - China and Japan
- Group B - India
- Group C - Canada and South Africa
- Group D - Bangladesh, Brazil and Uganda
- Group E - Algeria, Argentina, Côte d'Ivoire, Czech Republic, The Netherlands., Norway, Panama, Poland, Spain, Trinidad and Tobago and the United Kingdom.

The Council members will serve a four-year term beginning 1 January 2017, subject to understandings reached in the regional and interest groups.

- more -

Finance Committee elections

In other elections, 15 members were elected to the Finance Committee of the Authority. Thirteen nominations rather than the 15 prescribed were received as at the April 2016 deadline. However, following consultations with the Chair of the Finance Committee it was decided to accept the first two of five nominations received after the deadline, namely Myanmar and the Czech Republic. The Czech Republic decided to withdraw its candidacy allowing Kenya to be next in line to assume the other vacancy. Kenya and Algeria agreed to share the seat with Kenya, serving for the first two years and Algeria the remainder of the term.

LTC elections

The Council completed the election of a new cadre of experts to serve on the LTC for the next five years, having agreed to increase the number of members to 30, on an exceptional and temporary basis, and without prejudice to future elections. The Council decided to request the Secretary-General, in consultation with the Commission, to provide a report for consideration by the Council at the next session, recommending the ideal size of the Commission. The report should also propose a mechanism which would ensure that future elections would take into account the importance of members' expertise and the need for equitable geographic distribution.

Highlights of LTC report

The Council took note of the summary report of the Chairman of the Legal and Technical Commission (LTC), Christian Reichert, (document ISBA/22/C/CRP.1), which covered a number of issues the Commission considered in its February and July 2016 sessions. They included: status of contracts for exploration; implementation of training programmes under those contracts; applications for extensions of exploration contracts; and annual reports of contractors. Also considered by the Commission were environmental matters; draft regulations for exploitation; databases and data management strategy for the Authority; issues relating to the operation of the Enterprise and stakeholder consultation and engagement strategy.

The report has two annexes – Annex 1 on status of the former registered pioneer investors; and annex II covering priority deliverables, high level issues, action plan and an updated and indicative work programme. The Chairman said the Commission had registered one of its highest levels of attendance as some 91 per cent of its members participated in its sessions. The Chairman addressed the status of exploration contracts, the implementation of training programmes, and applications for extensions of exploration contracts.

Application for extension of contracts for exploration

The Commission considered six applications for extension of contracts for exploration (ISBA/22/C/11 through ISBA/22/C/16). On the Commission's recommendation, all six were approved by the Council, after consensus was reached on the wording of the draft decision to oblige contractors to include details of the modifications to their plans of work for exploration (ISBA/22/C/L.4 – L.9).

Annual reports of contractors

The Chairman reported that at its July session, the Commission considered 22 annual reports on activities of contractors in 2015. Fourteen reports were related to exploration for polymetallic nodules, 5 of them were on exploration for polymetallic sulphides and 3 on exploration for cobalt-rich ferromanganese crusts. Noting that 14 out of 22 contractors had used the recent reporting templates contained in document ISBA/21/LTC/15, the Commission urged all of them to apply them for their next reports.

Environmental matters

The Commission noted the suggested creation of two additional areas of particular environmental interest - as indicated on a map - and recommended that the proposed eleventh area should be shifted further north, directly east of the UK Seabed Resources Ltd. exploration area. It also pointed out a need for cross-sectoral planning of areas.

The Commission said it would consider holding a scientific workshop to determine the suitability or need to amend the plan to designate the network of nine areas of particular environmental interest. The workshop would review and assess the data available as well as the results of environmental workshops to define the size, location and number of required areas of particular environmental interest to enable the Commission to make a clear recommendation to the Council.

Draft regulations for exploitation

The Commission Chairman said it had noted the challenges in developing a full regulatory framework and that it considered the 'building block' approach taken by the Authority as the best one. However, the Commission reiterated that no single element or package of the regulatory code would be agreed upon until everything was agreed.

A priority for the next Commission was the identification of a better working methodology for the development of the exploitation regulations, including timelines and stakeholder contribution in the regulatory content and drafting process, the Commission noted.

In this regard, many delegations stressed that a high priority was a work programme for formulating draft regulations for exploitation and encouraged the Commission to develop a precise calendar with deadlines for completing the code.

Interim report of the Article 154 review committee

The Committee, which reviewed how the International Seabed Authority and its subsidiaries had operated since its establishment in 1994, has said that the organization needed more strategic planning and a vision to cope with future tasks. The 103-page interim report (document ISBA/22/A/CRP 3(2)) was prepared by a British consulting firm the Committee engaged. The Committee which was appointed by the Assembly last year, was chaired by Helmut Tuerk of Austria. He was President of the Assembly at the twenty-first session, and is a

Round-up of Session

former Judge of the International Tribunal on the Law of the Sea. The final report would be released at the twenty-third session of the Authority in 2017.

The Committee's terms of reference also included, among others, a review of the manner in which the Authority's various organs and subsidiary bodies had functioned in practice and whether they had performed effectively as stipulated in paragraph 5 of the annex to the 1994 Agreement Relating to the Implementation of Part XI of the Convention. Article 154 required the Assembly to undertake the review every five years from the entry into force of the Convention (1994).

Officers of the session

Md. Khurshed Alam (Bangladesh) was elected President for 2016 with Four vice presidents were also elected: Brazil (Latin American and Caribbean Group - GRULAC); Slovakia (Eastern European Group); Mozambique (African Group) and Canada (Western European and Others Group).

Mariusz Orion Jędrysek (Poland) was elected President of the Council for the session. The four vice-presidents elected were: India for the Asia and Pacific Group, Mexico for GRULAC, Uganda for the African Group and France for the Western European and Others Group.

Credentials Committee Report

The Assembly approved the report of the Credentials Committee (ISBA/22/A/ 8) which was presented by its Chair, Helmut Tuerk (Austria) The Committee comprised Algeria, Argentina, Austria, Cameroon, Germany, Jamaica, Japan, Myanmar and the Russian Federation.

The Committee Chairman reported that as at 19 July, 2016, of the Authority's 168 members, the credentials of 83 States and the European Union were received by the Secretariat.

Relationships with other organizations

The Assembly approved an agreement of cooperation between the Authority and the International Hydrographic Organization (IHO). The IHO is an inter-governmental consultative organization comprising 85 Member States and headquartered in Monaco. Its principal aim of the IHO is to ensure that the world's seas, oceans and navigable waterways are adequately surveyed and charted.

The following organizations were granted observer status to participate in the work of the Assembly: Vienna-based non-profit Thyssen-Bornemisza Art Contemporary (ISBA/22/A/INF.1); African Minerals Development Centre based in Addis Ababa (ISBA/22/A/INF.2); Durham University's Centre for Borders Research, England (ISBA/22/A/INF.3); RESOLVE, based in Washington, D.C., United States; (ISBA/22/A/INF.4); Pew Charitable Trusts, based in Philadelphia, Pa. United States (ISBA/22/A/INF.5); and Deep-Ocean Stewardship Initiative (ISBA/22/A/INF.6).

Round-up of Session

The following organizations held side events for delegates: Deepsea Coalition, International Hydrographic Organization, Nautilus Minerals, International Cable Protection Committee, Global Sea Mineral Resources, Pew Charitable Trusts, RESOLVE, UK Seabed Resources, Thyssen-Bornemisza Art21 and Managing Impacts of Deep Sea Resources Institute .

Membership of the Authority

The Authority's 168 members, as at 15 January 2015, are as follows:
Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chad, Chile, China, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Estonia, European Union, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Niue, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Republic of Serbia, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Suriname, Swaziland, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad & Tobago, Tunisia, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Vietnam, Yemen, Zambia and Zimbabwe.

* * * * *