SEABED COUNCIL DISCUSSES LTC ELECTIONS AND CONTRACT EXTENSION

Procedures for the election in 2016 of members of the Legal and Technical Commission (LTC) and matters concerning the extension of an approved plan of work for exploration of marine minerals in the Area held the attention of the Council of the International Seabed Authority meeting in Kingston this afternoon.

The 36-member Council took note of the procedures and guidelines for the conduct of the next full election of the members of the Legal and Technical Commission which will be held in 2016 during the twenty-second session of the Authority. The 25 members of the Commission are elected for a five-year term which could be renewed.

On the other matter the Council was unable to act on the draft procedures and criteria for extension of the exploration contracts contained in document ISBA/21/C/WP.1 which was approved by the Legal and Technical Commission at its February 2015 meeting by a vote of 9 to 3, with 2 abstentions.

LTC Elections

The Secretariat stated in a Note to the Council (ISBA/21/C/6) that the qualifications of the candidates, particularly the securing of the appropriate combination of relevant expertise, were a factor that would determine the effective discharge of the Commission’s functions as it intensified its efforts to formulate a regulatory regime for the exploitation of minerals in the international seabed Area.

Equally important was the issue of the independence of Commission members and the avoidance of any actual or perceived conflict of interest, the Note observed. It added that the Council might consider giving guidance to the Authority’s members on those matters. The Council might wish to reiterate the importance of the continued participation of the Commission’s members in all its sessions.

The Secretariat also drew attention to the Council’s decision of 18 July 2007 (ISBA/13/C/6) by which nominations was invited from members of the Authority six months before the election. A statement of qualification or curriculum vitae was to accompany the nominations setting out the candidate’s qualifications and expertise in fields relevant to the Commission’s work. The nominations should be received not less than three months prior to the opening of the session at which the election was to be held. Nominations received after the closing date would not be accepted, according to the Council’s decision.
The Secretariat’s Note observed that in electing Commission members in 2011 for the current period (2012-2016), the Council recalled its 2007 decision and expressed regret that some nominations were received late. Nevertheless, the Council noted that owing to the flexibility showed by its members and regional groups, the total number of candidates did not exceed 25, as had been agreed in its previous decisions. Owing to the resignation in 2014 of a Commission member from Slovenia with no subsequent replacement, its existing membership stood at 24.

The Legal and Technical Commission, an expert organ of the Council, oversees seabed activities. It makes recommendations on the work plans of seabed contractors, on protection of the marine environment and on the establishment of a pollution monitoring programme. It is also empowered to supervise, formulate and review regulations and procedures for seabed activities, and to assess their environmental implications.

**Discussion by Council**

Comments and questions by delegations focused on attendance at meetings, size and composition of the Commission, and guidelines for the conduct of elections. Brazil and France wanted to know why some members of the LTC never attended meetings while Nigeria wondered what actions were taken concerning those members.

The representative of Cameroon recommended that candidates for the 2016 election should be independent: with no conflict of interest, possess technical expertise, and would resolve to participate in all meetings of the LTC. He said such guidelines for candidates should be included in the letter from the Secretary-General to member States inviting candidates. Argentina and Mexico supported Cameroon’s recommendations. France called for increased contributions to the Voluntary Trust Fund to assist members of developing States to attend meetings.

France also supported Norway on a suggestion that the Secretary-General’s letter inviting candidates for election to the Commission should emphasize that they must be prepared to travel to Kingston twice a year. Supporting this view, Canada also suggested that candidates be warned of the importance of the commitment of LTC members in helping to ensure the future of seabed mining. Trinidad and Tobago, commenting on guidelines for the conduct of elections, welcomed the recommendation that the Council strictly adhere to the agreed rules and procedures for election of members to the Commission in 2016. The delegate also expressed the hope that the number of members elected to the LTC would remain at 25.

The Deep Sea Conservation Coalition Observer, speaking on behalf of Greenpeace and World Wildlife Fund, noted that the only two experts in marine environment would be leaving the Commission in 2016 and urged the Council to consider tapping into the resources of NGOs for expertise.

**Application for contract extension**

The Council continued deliberations on Item 12 of its agenda concerning procedures and criteria under which a contractor may submit an application for the extension of an approved plan of work for exploration. This matter was first discussed at this session on 15 July, when some delegations called for an explicit reference to the role of the Legal and Technical Commission, as mentioned in Article 165 of the Convention, to be included in Section III of the proposal contained in ISBA/21/C/WP.1. Other delegations emphasized that the Council was extending an existing contract and not signing new ones.
Argentina, Bangladesh, Cameroon, Fiji, France, India, Nigeria, South Africa, and Trinidad and Tobago contributed to the debate. Bangladesh and Fiji called on members of the Council to trust the Legal and Technical Commission to fulfil its responsibility. Fiji warned that if the seven contracts were allowed to expire before the next session, the Authority might experience difficulty advancing to the exploitation phase.

India observed that with the absence of exploitation regulations, the only option for contractors was the extension of their contracts. Nigeria saw no harm in States reaffirming their sponsorship of contractors.

Cameroon said it was reasonable to call on sponsoring States to confirm whether they were continuing with the sponsorship of contractors. He said the Council must strive to avoid ambiguity and deadlock by bringing the opposing points together and striking a balance. But he said the differing views were not so strong as to prevent the Council from moving forward to the next stage. Argentina said requiring States to reaffirm their sponsorship was an attempt to remove uncertainty, solidify the role of the Council and ensure the future of the Authority.

Trinidad and Tobago, supported by Cameroon and South Africa, called for a working group to examine the proposals made by the Group of Latin American and Caribbean States (CELAC) to amend the document ISBA/21/C/WP.1. The proposal would replace paragraph 3 in order that sponsoring states would now be required to submit confirmation of their certificates of sponsorship in the application for an extension of a contract. It would insert paragraph 8 bis to ensure that the contractors had fulfilled their obligations before moving to the exploitation phase.

France supported the working group idea and said it was reassured by the statement by Argentina that the proposed modifications were not aimed at frightening the investors but to strike a balance. France said the decision of the LTC was based on a vote the result of which should be taken into consideration by the Council. If not, the delegation said, the credibility of the Commission, the Council, and the Assembly of the Authority would be diminished.

President of the Council, Peter Thomson (Fiji), suspended the meeting to allow for a meeting of his Bureau and the formulation of the working group. At the resumption of the Council the President announced the formation of a working group would convene tomorrow morning, 23 July. At the same time the Council would meet to continue deliberation on the draft regulations for exploitation of mineral resources in the Area.

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