SEABED ASSEMBLY ADOPTS REVIEW COMMITTEE REPORT AND ELECTS MEMBERS TO FINANCE COMMITTEE AND COUNCIL

The Assembly of the International Seabed Authority meeting in Kingston this afternoon adopted by decision the first periodic review of the international regime of the Area pursuant to article 154 of the United Nations Convention on the Law of the Sea. The Assembly also elected members to the Council and the Finance Committee.

Review Committee report

Cameroon voiced its concerns about the gaps in the methodology used by the authors of the report, as highlighted by the low number of survey responses and the lack of detailed analysis of the data. The representative nevertheless, said he could support the draft decision on the report. Jamaica reiterated its support for the review and said that her government planned to submit a considered response as soon as possible. The report (ISBA/22/A/L.3) reviewed the operations of the Authority and its subsidiaries.

Netherlands said it supported the decision (ISBA/22/A/11) but proposed an amendment as follows:

“Requests the Secretary-General to submit a proposal for a strategic work programme for the development of the exploitation regulations for polymetallic nodules to the Council for consideration at its next session, including a target date for the adoption of the exploitation regulation for polymetallic nodules by the Assembly.”

The Chairman of the Review Committee, Helmut Tuerk although having no objection to the substance of the paragraph, questioned its relevance to the Review Committee decision. Brazil agreed with the Chairman, as did China, which said that the issue under discussion was a decision about the Review not about regulations, which was a very substantive issue. At the request of the President, the Netherlands withdrew its proposal and the draft decision was adopted. It reads as follows:

*The Assembly of the International Seabed Authority,*

*Recalling* article 154, part XI, of the United Nations Convention on the Law of the Sea,
Recalling also its decision of 24 July 2015 at the twenty-first session of the International Seabed Authority,

Taking note of the interim report by Seascape Consultants Limited dated 15 May 2016, the comments of the Review Committee, the comments of the Legal and Technical Commission, the comments of the Finance Committee and the comments of the secretariat,

Taking note also of the oral report by the Chair of the Review Committee and the deliberations of the Assembly under agenda item 9, entitled “Consideration of the interim report of the review committee established pursuant to the decision of the Assembly (ISBA/21/A/9/Rev.1) to oversee the periodic review of the international regime of the Area pursuant to article 154 of the United Nations Convention on the Law of the Sea”,

Expressing its appreciation for the timely submission of the interim report, and taking note of the work performed by the consultants and the Review Committee,

1. Decides to provide States parties, observers and stakeholders, in the light of the aforementioned comments and deliberations, a further opportunity to submit written observations on the interim report, and the comments thereto, before 15 October 2016, including, if they had not done so, to reply to the questionnaire drawn up by Seascape Consultants Limited;

2. Requests the Review Committee to entrust Seascape Consultants Limited with the production of a revised interim report, taking into account the observations made in the Assembly at the twenty-second session of the International Seabed Authority, as well as any other comments received under paragraph 1 above, before 15 January 2017;

3. Requests the Secretary-General to facilitate, from within existing resources, in 2017, meetings of the Review Committee and the finalization of the report of the article 154 review;

4. Requests the Secretary-General to transmit the draft final report, as approved by the Review Committee, to States parties and observers before 15 April 2017.

Elections

The Assembly acted this afternoon on the membership of two bodies of the Authority. Both decisions were taken without discussion or vote. The decision about the Council was contained in document ISBA/22/A/12 while document ISBA/22/A/7/Rev1-ISBA/22/C/19/Rev1 covered the report of the Finance Committee.

To the Council, it elected 19 to fill vacancies for a four-year period from 1 January 2017 subject to the understanding reached in the regional and interest groups. China and Japan were elected in Group A and India as a member of Group B. In Group C are Canada and South Africa. In Group D the three vacancies will be filled by Bangladesh, Brazil and Uganda. The 12 vacancies in Group E will be filled by Algeria, Argentina, Code d’Ivoire, Czech Republic, Netherlands, Norway, Panama, Poland, Spain, Trinidad and Tobago and United Kingdom of Great Britain and Northern Island.
For the Finance Committee of the Authority, 13 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 the 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. In response to concerns of the United Kingdom and France, the President asked the Secretary of the Assembly to add a footnote to the decision clarifying the arrangement.

The Assembly will meet tomorrow to take up the remainder of items on its agenda.

**Council Session**

In the Council of the International Seabed Authority this afternoon members attempted to arrive at a compromise on the size and composition of the Legal and Technical Commission, an expert body whose current membership expires on 31 December 2016. One proposal was to keep the number of members on the Commission at 25 with an equal number representing the 5 regional groups. The second proposal would see the membership of the LTC increased to 30 or 36 to achieve geographical or special interest representation.

Argentina, supported by Brazil, Chile, South Africa and Kenya, held the view that the number of members of the Commission should remain 25 with a more balanced representation. France warned against politicizing the Commission, and suggested that members should be guided by the experience required for an effective body.

Delegations, including Czech Republic, Spain and Tonga called on members to examine all suggestions to arrive at a compromise. Australia and the United Kingdom reminded the Council of the expert role of the LTC. The UK representative said that as the Authority moved towards the exploitation phase, delegation should be mindful of the important role of the Commission.

Cameroon warned members of the Council against making hasty decisions regarding the size and composition of the Legal and Technical Commission. The representative questioned the suggestion to increase the number of members of the Commission to 36 or 37 and wondered whether such a move would be permanent. At a previous meeting, Egypt also expressed concern about the size of the membership, pointing out that would make it equal to or greater than that of the Council. Such a move, Egypt said, could undermine the legal structure of the Council.

Asked to weigh in on the discussion, Secretary-General Nii Allotey Odunton (Ghana) urged members of the Council to pay more attention to the expertise of the LTC rather than its size. “The decisions made by the Commission are not political, they are technical”, said Mr. Odonton whose comments were strongly supported by France.

At the suggestion of the President of the Council, Mariusz Jędrysek (Poland) members agreed to hold regional group meetings to resolve the issue before the Council meets tomorrow.