2016 SEABED SESSION CONCLUDES AFTER EXTENDED COUNCIL DEBATE OVER LTC MEMBERSHIP; ASSEMBLY APPROVES $17.1 MILLION BUDGET FOR 2017-2018

The Council of the International Seabed Authority, in a rare night meeting in Kingston, completed the election of a new cadre of experts to serve on the Legal and Technical Commission (LTC) for the next five years, after agreeing to increase the number of members to 30 on an exceptional and temporary basis, and without prejudice to future elections.

Following the Council’s meeting, the Authority’s Assembly concluded its work for the 22nd session, approving a two-year budget of $17,130,700 for 2017 to 2018. No date was announced for the 23rd session in 2017.

A ten-paragraph draft proposal by Mexico on the election of members of the Commission helped the Council to arrive at a compromise after lengthy debate. The draft decision was approved by consensus.

At this morning’s meeting of the Council, President Mariusz Jędrysek invited members to take up once again, agenda item 17 relating to the election of members of the Legal and Technical Commission as the Council had been unable to reach consensus during meetings on this matter over the past two days. The discussions focused on the number of members that should serve on the Commission as well as the geographic distribution of the membership.

Some delegations suggested expanding the membership to 30 members in order to accommodate the 30 candidates whose nominations had been received on time. Others preferred to limit the number to 25, while remaining mindful of the issue of equitable geographic distribution. A third proposal sought to expand the Commission to 36 members: the 30 candidates who had been nominated on time, as well as two members nominated by each of the three regional groups which are underrepresented on the Commission, in an effort to achieve
equitable geographic distribution. This last proposal led to a draft decision formulated by Australia in collaboration with other delegations during a suspension of the meeting.

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 would 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.

The draft decision reads as follows:

*The Council of the International Seabed Authority,*

1. *Considered* the election of members of the Legal and Technical Commission for the period 2017 to 2021;

2. *Recalling* Article 163 (3) and (4) of the United Nations Convention on the Law of the Sea, which provides that candidates nominated for the Commission shall have appropriate qualifications in the area of competence of the Authority and that in the election of members, due account shall be taken of the need for equitable geographic distribution and the representation of special interests;

3. *Noting* the ongoing general and systematic review of the manner in which the international regime of the Area has operated in practice pursuant to Article 154 of the United Nations Convention on the Law of the Sea and anticipating the relevance of the outcomes of that review for future consideration of the size and composition of the Commission;

4. *Requests* that the Secretary-General, in consultation with the Commission, provide a report by 31 December 2016, for consideration by the Council at the 23rd Session, identifying the ideal size of the Commission and proposing a mechanism which would ensure that future elections are undertaken in a manner which better taken into account all the considerations set out in [paragraph 2] of this decision, including equitable geographic distribution;

5. *Decides* that no later than the 25th Session, the Council will, having considered the report requested in paragraph 4 of this decision, and set a clear and binding decision setting a process to govern the next elections of the Commission.

6. *Noting* that future elections shall be informed by consideration of the report requested in paragraph 4 of this decision, decided, on an exceptional and temporary basis, and without prejudice to future elections, and having due regard to economy and efficiency, to increase the number of members of the Commission to 30.

7. *ALT:* Further decided that in the consideration of the size of the Commission for the following term, the starting basis should be 25, taking into account the
Report requested in paragraph 4 of this decision, and the outcomes of the Article 154 Review.

8. Elected the following candidates as members of the Legal and Technical Commission: Dorca Auma Achapa (Kenya), Mark B. Alcock (Australia), Alfonso Ascencio-Herrera (Mexico), Mario Juan A. Aurelio (Philippines), Khalid Mehmood Awan (Pakistan), Harald Brekke (Norway), Winifred M. Broadbelt (Netherlands), Georgy A. Cherkashev (Russian Federation), Malcolm Clark (New Zealand), Montserrat González Carillo (Chile), Russell Howorth (Fiji), Elie Jarmache (France), Thembile Elphus Joyini (South Africa), Se-Jong Ju (Republic of Korea), Ryszard Andrzej Kotliński (Poland), Rena Lee (Singapore), Carlos Roberto Leite (Brazil), Pedro Madureira (Portugal), Adolfo Maestro González (Spain), Théophile Ndougsa Mbarga (Cameroon), Nobuyuki Okamoto (Japan), Gordon Lindsay John Paterson (United Kingdom of Great Britain and Northern Ireland), Christian Juergen Reichert (Germany), Andrés Sebastián Rojas (Argentina), Mahmoud Samy (Egypt), Joshua T. Tuhumwire (Uganda), Siosiua Utoikamanu (Tonga), Milind P. Wakdikar (India), Michelle Walker (Jamaica), Jun Wu (China).

Text as proposed by Mexico:

[8(bis) if the study recommends an increase in the number of members of the Commission, the Council calls for nominees from the underrepresented regional groups to fill additional vacancies at an election at the 23rd Session of the Council.

9. 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.

Statement by Secretary-General

In his final statement to the Council as Secretary-General, Nii Allotey Odunton paid tribute to the members for their outstanding service over the years that had brought the Authority to the “impressive point in making the common heritage of mankind a near opportunity for the international community”.

He said that at the second session of the Authority in March 1996 when agreement was reached on the composition of the Council, it had laboured through “a series of highs and lows” to reach a stage where consideration was being given to the completion of a mining code for polymetallic nodules in the near future.

Mr. Odunton observed that he had been fortunate for the opportunity to have worked with the Council since its inception and wished the members the “very best” in their endeavours. He reminded them to keep their eyes “on the prize” which was the sustainable mining of the deep seabed mineral resources. Mr. Odunton received a standing ovation following his brief address to the Council.

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Matters in the Assembly

The Assembly met following the meeting of the Council and approved the budget for the financial period 2017-2018 in the amount of $17,130,700.

In his final remarks to members of the Assembly Mr. Odunton pointed to the need for a strategic work programme for the Authority. He also said that much work needed to be done on standardization to produce meaningful data from the deep seabed. Following his remarks the Secretary-General received a standing ovation from the Assembly.

President of the Assembly Rear Admiral Md Khurshed Alam (Rtd) (Bangladesh), said a date for the next session was being decided and members would be informed in due course. He announced that the Legal and Technical Commission would meet on 20 February to 3 March 2017.

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