SEABED COUNCIL PUTS FORWARD TWO CANDIDATES FOR ELECTION OF SECRETARY-GENERAL; APPROVES SIX EXPLORATION CONTRACT EXTENSIONS; BEGINS LTC ELECTION DEBATE

The Council of the International Seabed Authority in a series of actions, this afternoon agreed to propose two candidates to the Assembly for election as a Secretary-General of the Authority; approved the extension of five year exploration contracts for six entities and concluded discussion on the elaboration of a draft marine minerals exploitation code.

Also this afternoon, the Council began a preliminary debate about the election of candidates to the Legal and Technical Commission (agenda item 17) which is scheduled for tomorrow morning’s meeting.

The two candidates proposed to the Assembly for election as Secretary-General are Nii Allotey Odunton (Ghana), the current Secretary-General, and Michael Lodge, the Legal Counsel and Deputy to the Secretary-General.

The decision on the applications for six contract extensions had been delayed this morning as delegations could not reach consensus on the wording of the draft decision. At the start of the afternoon meeting, the Legal Counsel was given the floor to introduce an amended text which had been developed by Brazil, Chile and Cameroon.

Following the preambular paragraphs of the decision, the proposed text for documents ISBA/22/C/L.4 – L.9, states that the Council of the International Seabed Authority:

Noting that, in paragraph 14 of his report to the Council, the Chair of the Legal and Technical Commission had summarized the modifications to the plans of work for exploration proposed by the applicants during the extension period,

Further noting paragraph 16 of the report of the Chairman of the Legal and Technical Commission,

1. Decides to approve the application for extension of the contract;
2. Requests the Secretary-General to take the necessary steps to execute the extension of the contract, with effect from [the date after the expiry of each contract], by signature of an agreement in the form set out in appendix II to the annex to the decision of the Council of the International Seabed Authority mentioned above.

3. Further requests the Secretary-General to report to the Council at its next session on the status of the extension agreement, including details of the modifications to the plans of work for exploration,

4. Requests further that the applicants be ready to proceed to exploitation at the end of the five-year extension period.

After hearing the amended text, China said that while it understood the concerns of some members, the new wording was not consistent with the report of the Legal and Technical Commission. The representative said that the proposed paragraph 4 seemed to be forcing contractors to proceed to exploitation, and should be deleted, as the other paragraphs addressed the expressed concerns of members. He added that contractors who had heavily invested in exploration in preparation for exploitation should be encouraged in their efforts to transform the principle of the common heritage of mankind into practice. France endorsed this view.

Brazil maintained that paragraph 4 was very important. Chile suggested that it could be amended so as to make it clear that there was no obligation to proceed to exploitation. Cameroon, while supporting the inclusion of paragraph 4, said it understood the concerns of China. The representative proposed that the paragraph should include the phrase “should be ready to proceed” as in paragraph 16 of the LTC report.

The President then briefly adjourned the meeting to allow the concerned delegations to work together on a new text of the draft decision. A minor amendment was made so that the final wording of paragraph 4 read as follows:

“Further invites the applicants to be ready to proceed to exploitation at the end of the five-year extension period.”

The Council then adopted the draft decision to approve the extensions of contracts for exploration of the six contractors.

Candidates for election of Secretary-General

The Council proceeded to agenda item 18, proposal to the Assembly of a list of candidates for the position of Secretary-General. In accordance with Article 166, paragraph 2 of the convention, the Secretary-General of the Authority “shall be elected for four years by the Assembly from among the candidates proposed by the Council…."

The President of the Council announced the names of the two candidates who had been nominated for the position. He said that the United Kingdom, in a note verbale dated January 20, 2015, had put forward the candidature of Michael Lodge, to serve for the next term from 2017 to 2021. He further informed the Council that the Republic of Ghana had, by note verbale dated
November 19, 2015, nominated the current Secretary-General, Nii Allotey Odunton also for the term from 2017 to 2021. The Assembly will conduct the elections on Thursday, 21 July.

The Council decided to propose the two candidates to the Assembly in accordance with article 162, paragraph 2 (b) of the Convention.

**Election of LTC members**

Australia then took the floor to suggest that Council use the available meeting time to discuss agenda item 17, election of members of the Legal and Technical Commission. Tonga agreed with this suggestion which also drew support from France, Chile and Spain. Argentina, supported by South Africa on behalf of the African Group, wanted to know the outcomes of consultations which had been taking place in informal meetings.

The African, Eastern European, and Latin American and Caribbean Groups favoured the option to defer the discussion of the matter until tomorrow, the date originally scheduled for its consideration by the Council. The Asian and Pacific Group and the Western European and Others Group, on the other hand, were ready to begin discussions immediately.

Tonga, speaking for the Asian and Pacific states group said over-representation was not possible in the LTC because members did not represent their countries to which they belong. Australia, speaking on New Zealand’s behalf as chair of the Western European and others group, expressed concern at the way the issue was being handled, and reminded delegations that members of the Commission served the expert body in their personal capacity.

Czech Republic, speaking on behalf of the Eastern European group said they were not ready to discuss the agenda item, a view supported by South Africa for the African group and Argentina for the group of Latin American and Caribbean States.

Twenty-five candidates from among thirty submitted by members of the Authority are slated to be elected by the Council to serve on the Legal and Technical Commission for the next five years beginning from 1 January 2017.

In accordance with article 163 and article 165, paragraph 1, of the 1982 United Nations Convention on the Law of the Sea, the members of the Legal and Technical Commission are elected by the Council from among candidates nominated by the States parties for a term of five years. They, however, serve as experts rather than national representatives.

They are required by the Convention to “have appropriate qualifications such as those relevant to exploration for and exploitation and processing of mineral resources, oceanology, protection of the marine environment, or economic or legal matters relating to ocean mining and related fields of expertise”. They may serve for up to two consecutive five-year terms.

The Council next meets tomorrow morning, 19 July, to discuss the elections of members of the Legal and Technical Commission.