

International Seabed Authority

Press Release



Twelfth Session
Kingston, Jamaica
7 - 18 August 2006

Council (PM)

**SB/12/11
14 August 2006**

SEABED COUNCIL EXPANDS MEMBERSHIP OF THE LEGAL AND TECHNICAL COMMISSION; ELECTS NEW MEMBERS; CONSIDERS FUTURE WORK ON DRAFT REGULATIONS

The Council of the International Seabed Authority, meeting in Kingston this afternoon, decided to expand the membership of the Legal and Technical Commission and accepted the nominations of all 25 candidates whose names were submitted by the deadline of 6 p.m. on 8 August 2006. The Council then decided by acclamation to elect all 25 candidates as members of the Commission. They will serve from 1 January 2007 to 31 December 2011.

There were several opposing views on the Commission's composition resulting in Secretary-General Satya N. Nandan putting forward a three-part proposal to elect the new members without prejudice to the Commission's composition in future elections.

Also this afternoon, the Council held discussions on how to proceed with the consideration of the draft Regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the international seabed Area. The Council agreed to continue its discussion tomorrow.

The Commission has consisted of 24 members since 2001. At the first election in 1996, there were 15 members, the number specified in the 1982 United Nations Convention on the Law of the Sea. However, the Council increased the number to 22 in 1996, in line with a clause in the Convention empowering it to add members "if necessary". It cited a provision of the Convention – article 163, paragraph 2 - in doing so.

Legal and Technical Commission elections

The membership of the Commission is as follows (an asterisk denotes a re-elected member):

Frida María Armas Pfirter, (Argentina)*; Walter De Sá Leitão, (Brazil)*; Emmanuel Kalngui, (Cameroon); Sandor Mulsow Flores, (Chili); Hongtao Zhang, (China); Mahmoud Samy, (Egypt); Isikeli Uluinairai Mataitoga, (Fiji); Jean-Marie Auzende, (France)*; Michael Wiedicke-Hombach, (Germany)*; Sudhakar Maruthadu, (India); Adam Mulawarman Tugio, (Indonesia)*; Elena Sciso, (Italy); Laleta Davis-Mattis, (Jamaica); Yoshiaki Igarashi, (Japan)*; Said S. Hussein, (Kenya); Elva G. Escobar, (Mexico); Miguel Dos Santos Alberto Chissano, (Mozambique)*; Kennedy Hamutenya, (Namibia); Asif Inam, (Pakistan); Andrzej Przybycin, (Poland); Woong-Seo Kim, (Republic of Korea); Sergey Ivanovich Pyodorov, (Russian Federation); Baïdy Diène, (Senegal)*; Eusebio Lopera Caballero, (Spain); David Stewart Martin Billett, (United Kingdom).

The Legal and Technical Commission, an organ of the Council, has broad authority to oversee seabed activities. It makes recommendations to the Council 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 seabed activities, formulate and review regulations and procedures for such activities, and assess environmental implications.

Commission members are nominated by States but serve as experts rather than national representatives. They are required by the Law of the Sea 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”.

Discussions on Commission’s composition

Discussion focused on the size and composition of the Commission, whether it should consist of more or less than 25 members in the future, the skills necessary to perform its tasks effectively, and rules governing such matters as attendance at its meetings and forfeiture of membership for absenteeism.

The Council president said election of members to the Commission was based on the provisions in Article 163 of the Convention. He said that, as pointed out in the report by the Commission’s chairman, there was a need to preserve as wide a range of expertise as possible as the work of the Authority became more technical in nature. He recommended that the Council approve the 25 members on the understanding that under no circumstances should the membership of the Commission exceed that number.

The delegate from the Netherlands agreed with the president that the number of members of the Commission should eventually revert to 15 as stated in the Convention. “We are looking for people with the right skills, not a large group of people,” she noted. Responding, the Secretary-General suggested that ways to achieve membership reduction could include not

replacing those who resigned, and forfeiture of membership of those who recorded two consecutive absences without good reason.

In general, Argentina, Brazil, Cameroon, Chile, Honduras, Jamaica, Malaysia, Mexico, Nigeria, Senegal and South Africa pointed to the merit of retaining 25 members on the Commission taking into account its Chairman's report to the Council that the expert body was able to function effectively and efficiently with 24 members. Chile suggested that the Secretariat establish floor and ceiling limits in a set of proposals to Council for consideration at next year's session, taking into account the need for a cross-section of expertise on the Commission. Mexico suggested the development of some basic principles to justify the participation of that number of members. Nigeria recommended that the membership be pegged at 25 for the next ten years.

Russia, speaking on behalf of the Eastern European group of states, supported the election of 25 members to the Commission but cautioned that continued additions would probably not increase the effectiveness of the body. New Zealand said that while size was significant, the expertise and qualifications of candidates in relevant fields were paramount.

From the round of discussions, the Secretary-General drew up a six-point summary which pointed towards general agreement on (i) increasing the membership of the Commission to 25, with due regard to Article 163, paragraph 2 of the convention; (ii) restricting membership to 25 with a view towards that number at future elections; (iii) closing nomination of candidates two months prior to the session; (iv) skills of membership (v) attendance at meetings and finally, (vi) election of members of the Commission for five years.

The Secretary-General's summary prompted a new round of discussion which centered on restrictions on the number of members of the Commission in the future. South Africa and Sudan said such a restriction would prejudice future discussions on the matter by the Council. Egypt, Senegal, Argentina, Australia, Chile and Spain suggested that the issues be placed on the agenda of the next session.

After the discussion, the president suggested that consensus had therefore been reached to increase the membership of the Commission and the Secretary-General proposed the following wording to be considered by the Council to facilitate the election:

1. The Council decided to increase the size of the Commission to 25 for the purposes of the election, with due regard to Article 163, paragraph 2 of the 1982 United Nations Convention on the Law of the Sea, and without prejudice to future elections.
2. The Council requests the Secretary General to prepare for consideration of the Council at its next session a report relating to the size and composition of the LTC and the process for future elections
3. The Council, having increased the membership of the LTC to 25, decides to elect all 25 nominees to the Commission for five year terms from 1 January 2007 to 31 December 2011.

After resolving the matter of electing the members of the LTC, the Council began to discuss how work should proceed with regard to the draft regulations. The Netherlands suggested that the regulations be sent back to the Commission, which should meet to work on them well in advance of the next session, so that Council members would have ample time to examine the new document. Argentina agreed with this proposal for inter-sessional LTC meetings to allow the regulations to be translated and sent to the capitals of the various delegations.

Secretary-General Nandan noted that the Commission's meetings were planned to coincide with the sessions of the Authority for the sake of economy and having separate meetings would carry costs not factored into the budget for 2007 and 2008 which was adopted by Council this morning. The alternative, he said, would be to use a period of "down time" at the United Nations Headquarters in New York in order to eliminate travel expenses for the interpreting team. He said that, acting on propositions from the floor, the Secretariat would prepare two separate sets of draft regulations for sulphides and crusts, which would be revised by the Commission and submitted to Council at the next session.

The Netherlands emphasized that unless delegations received the regulations well in advance of the sessions, little progress could be made during the meetings of the Council, and this would end up being costly for governments. The delegate agreed that the Commission could meet in New York as a more cost efficient option as there was no legal reason why the Commission had to meet in Kingston. Other delegations, including Brazil, Namibia and South Africa opposed the idea of holding the meetings in any location apart from the seat of the Authority.

The Council meets again tomorrow morning, Tuesday, 15 August to hear a presentation on the Authority's Central Data Repository.

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