



## Meeting of States Parties

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### Thirtieth Meeting

New York, 24–26 August 2020

## Report of the thirtieth Meeting of States Parties

### I. Preparations for the Meeting in the light of the coronavirus disease (COVID-19) pandemic

1. On 14 April 2020, the Secretary-General addressed a notification to the States Parties to the United Nations Convention on the Law of the Sea, pursuant to rule 5 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.4),<sup>1</sup> informing them that, in the light of the evolving situation related to the coronavirus disease (COVID-19) pandemic, the dates, duration and format of the thirtieth Meeting of States Parties, originally scheduled to be held in New York from 15 to 19 June 2020, pursuant to paragraph 56 of General Assembly resolution 74/19 of 10 December 2019, were yet to be confirmed, and that a follow-up notification containing detailed information on those arrangements would be circulated at a later stage.<sup>2</sup>

2. In a letter dated 11 May 2020, the President of the twenty-ninth Meeting, Michael Imran Kanu (Sierra Leone), informed the States parties that the Bureau of the twenty-ninth Meeting had conducted an assessment on the feasibility of holding the thirtieth Meeting as originally scheduled and that it had proposed, inter alia, that the thirtieth Meeting be postponed to a period of at least three days between 31 August and 4 September 2020, provided that a suitable conference room and conference services were available during that week. In the absence of any objection to that proposal, on 18 May, the President of the twenty-ninth Meeting informed the President of the General Assembly of those arrangements.

3. On 26 June, in the absence of any objection from States parties to his additional proposals circulated on 23 June, the President of the twenty-ninth Meeting further informed the President of the General Assembly that he would open the thirtieth Meeting on 6 July 2020 by means of a letter and that certain decisions of a procedural nature would be taken under a silence procedure similar to that contained in General Assembly decision 74/544, entitled “Procedure for taking decisions of the General Assembly during the coronavirus disease (COVID-19) pandemic”. He also informed the President of the General Assembly that suitable conference room and conference services would not be available during the week of 31 August to 4 September and

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<sup>1</sup> The latest version of the rules of procedure, SPLOS/2/Rev.5, was issued on 7 May 2020.

<sup>2</sup> All documents, including communications, related to the thirtieth Meeting of States Parties are available at [www.un.org/Depts/los/meeting\\_states\\_parties/thirtiethmeetingstatesparties.htm](http://www.un.org/Depts/los/meeting_states_parties/thirtiethmeetingstatesparties.htm).



that, for planning purposes, the week of 24 to 28 August had been identified as a potential alternative, subject to the confirmed availability of conference room and conference services.

4. In a notification dated 29 June, the Secretariat informed States parties of the aforementioned arrangements. It also indicated that limitations on the maximum number of delegates from each State party who would be allowed into the conference room might be imposed to meet physical distancing requirements.

## **II. Activities preceding the plenary meetings**

### **A. Opening of the Meeting and election of officers**

5. On 6 July, the President of the twenty-ninth Meeting opened the thirtieth Meeting by means of a letter addressed to States parties. On the same date, the Secretariat circulated a notification to provide States parties with information on the handling of credentials in the light of the logistical limitations imposed by preventive measures related to the COVID-19 pandemic.

6. On 24 July, the Meeting of States Parties adopted decision 30/1, entitled “Procedure for taking decisions of the thirtieth Meeting of States Parties to the United Nations Convention on the Law of the Sea during the coronavirus disease (COVID-19) pandemic”, in which it allowed the thirtieth Meeting to adopt decisions under a silence procedure regarding the election of the President and Vice-Presidents of the thirtieth Meeting, the appointment of the Credentials Committee and the adoption of the agenda and the organization of work, and authorized the Credentials Committee to apply *mutatis mutandis* the procedure set out in the same decision.

7. On the basis of decision 30/1, States parties elected Burhan Gafoor (Singapore) as President of the thirtieth Meeting (decision 30/2, of 29 July 2020) and Ibrahima Toure (Côte d’Ivoire), Oleksiy Ilnytskyi (Ukraine), Edgar Daniel Leal Matta (Guatemala) and Cary Scott-Kemmis (Australia) as Vice-Presidents (decision 30/4, of 14 August 2020).

### **B. Adoption of the agenda**

8. On 14 August, States parties adopted the agenda of the thirtieth Meeting ([SPLOS/30/1](#)) under the silence procedure (decision 30/3).

### **C. Appointment of the Credentials Committee**

9. On 14 August, States parties appointed a credentials committee consisting of Chile, China, Finland, Honduras, Monaco, Myanmar, Namibia, the Russian Federation and Sierra Leone, under the silence procedure (decision 30/5).

10. On 23 August, the Credentials Committee elected Hawanatu Kebe (Sierra Leone) as Chair and Nyan Lin Aung (Myanmar) as Vice-Chair, under the silence procedure.

### **D. Proposed organization of work**

11. In a letter dated 18 August, the President of the thirtieth Meeting proposed that an in-person plenary meeting be held on 24 August for the purpose of addressing agenda item 13, entitled “Election of seven members of the International Tribunal for

the Law of the Sea”, the most time-sensitive item on the agenda, given the impending expiry of the terms of office of seven members of the Tribunal. The President also proposed that the consideration of the remaining items on the agenda be taken up at dates and according to modalities to be decided by the Meeting, pursuant to further consultations. Following those consultations, a separate organization of work would be circulated to address the other agenda items. It was noted in this regard that the deliberations concerning agenda item 11 (c), entitled “Consideration of administrative and budgetary matters of the International Tribunal for the Law of the Sea: draft budget proposals of the International Tribunal for the Law of the Sea for the budget period 2021–2022”, would need to be considered and the decisions related to the 2021–2022 budget adopted before the end of the year.

### **III. Plenary meetings**

12. The plenary meetings were held in the General Assembly Hall from 24 to 26 August 2020.

#### **A. Safety precautions and mitigation measures**

13. A risk assessment conducted by the Division of Health-Care Management and Occupational Safety and Health of the Secretariat in the light of the COVID-19 pandemic concluded that the in-person plenary meetings were of “medium risk”. Accordingly, to mitigate that risk, representatives of States parties were urged to observe the strict COVID-19 safety precautions and mitigation measures recommended by the Division, as conveyed by the President of the thirtieth Meeting in his communication dated 21 August 2020. Those measures included limiting the number of participants to one representative for each State party, staggered arrivals, strict observance of physical distancing and wearing of face coverings, the staggered departure of representatives after casting their vote and the announcement of election results by letter and webcast.<sup>3</sup>

#### **B. Decisions adopted under the silence procedure**

14. On 24 August, the Meeting met in plenary in an in-person setting and took note of the decisions adopted under the silence procedure, namely, decision 30/1, entitled “Procedure for taking decisions of the thirtieth Meeting of States Parties to the United Nations Convention on the Law of the Sea during the coronavirus disease (COVID-19) pandemic”, decision 30/2, entitled “Election of the President”, decision 30/3, entitled “Adoption of the agenda”, decision 30/4, entitled “Election of Vice-Presidents”, and decision 30/5, entitled “Appointment of the Credentials Committee”.

#### **C. Proposed organization of work**

15. The Meeting adopted the organization of work proposed by the President in his letter dated 18 August 2020 (see para. 11).

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<sup>3</sup> The President of the thirtieth Meeting held an online briefing on 21 August, with the participation of the Secretariat, to address the logistical and procedural aspects mentioned in his letter of the same date.

## **D. Report of the Credentials Committee**

16. The Chair of the Credentials Committee then introduced, under agenda item 12, the report of the Committee ([SPLOS/30/13](#)). She stated that information concerning the appointment of representatives of States participating in the thirtieth Meeting had been received from all 168 States parties on the understanding that formal credentials would be communicated to the Secretariat. The Committee had examined and accepted the credentials of representatives of 156 States parties, and the Chair recommended the acceptance of the 12 remaining credentials that had been submitted after the credentials had been reviewed by the Committee, on 20 August 2020, and the adoption of a resolution approving the report of the Committee.

17. The Meeting approved the report of the Credentials Committee on the understanding that the credentials would continue to be valid, in accordance with rule 1 of the Rules of Procedure, until the convening of the thirty-first Meeting ([SPLOS/263](#), para. 101).

## **IV. Election of seven members of the International Tribunal for the Law of the Sea**

18. At its plenary meetings, held from 24 to 26 August, the Meeting conducted the election of seven members of the Tribunal to fill the seats of those members whose terms of office would expire on 30 September 2020. The election was held in accordance with article 4, paragraph 4, of the Statute of the Tribunal (annex VI to the Convention). Members of the delegations of Australia, Ecuador, Hungary, Japan and the Sudan acted as tellers.

19. The President referred to the note by the Registrar of the Tribunal on the election procedures ([SPLOS/30/7](#)), the list of candidates nominated by States parties for election to the Tribunal ([SPLOS/30/8](#)), the note by the Registrar submitting the curricula vitae of the candidates ([SPLOS/30/9](#)) and a conference room paper containing the complete curricula vitae of candidates nominated for the election ([SPLOS/30/CRP.1](#)).

20. The President recalled articles 2 and 3 of the Statute of the Tribunal, noting in particular that, in accordance with article 3, paragraph 2, there could be no fewer than three members from each geographical region established by the General Assembly. He also noted that, for the purpose of conducting the election of the seven members of the Tribunal at the present meeting, the arrangement for the allocation of seats on the Tribunal and the Commission on the Limits of the Continental Shelf ([SPLOS/201](#)) would apply, unless the Meeting decided otherwise.

21. The President stated that, on the basis of that arrangement, the regional allocation of the seven seats for the election would be as follows: one seat for a member from the Group of African States; one seat for a member from the Group of Asia-Pacific States; one seat for a member from the Group of Eastern European States; two seats for members from the Group of Latin American and Caribbean States; and one seat for a member from the Group of Western European and other States. The one remaining seat would be allocated to a member from the Group of African States, the Group of Asia-Pacific States or the Group of Western European and other States (the so-called “floating seat”).

22. The President recalled in this regard that, on 3 July, the Registrar of the Tribunal had received a communication dated 2 July from the Permanent Mission of Zimbabwe to the United Nations, indicating that the Government of Zimbabwe had decided to withdraw the candidature of Hapias Zhou ([SPLOS/30/8/Add.1](#)). The President indicated that, consequently, among the three regional groups from which a member could be elected to the floating seat, only the Group of Western European and other States had one more candidate than the number of seats allocated to that group.

Accordingly, only those candidates from the Group of Western European and other States would be considered for the floating seat.

23. The President also noted that, on 18 August, he had received a joint communication from the Permanent Representatives of Italy and Malta to the United Nations, indicating that David J. Attard (Malta) would contest the seat allocated to the Group of Western European and other States and that Ida Caracciolo (Italy) would not contest the seat allocated to that regional group and would instead contest the floating seat.<sup>4</sup> The President indicated that, consequently, Ms. Caracciolo was the only candidate standing for the floating seat and that only her name would appear on the ballot for the floating seat. Furthermore, as no candidate was nominated for both the seat allocated to the Group and the floating seat, the Meeting could proceed with the secret ballot for all the seats, including the floating seat, concurrently.

24. The President reminded delegations that, pursuant to article 4, paragraph 4, of the Statute of the Tribunal, two-thirds of the States parties constituted a quorum and that those nominees who obtained the largest number of votes and a two-thirds majority of the States parties present and voting would be declared elected, provided that such majority included a majority of the States parties. The candidates who obtained the required majority and the largest number of votes would be declared elected, up to the number of seats to be filled for each region. Balloting would continue in accordance with rule 65 or rule 66 of the Rules of Procedure (SPLOS/2/Rev.5),<sup>5</sup> as appropriate, until all the seats had been filled.

25. The President informed participants that there would be one set of ballot papers with a separate sheet for each of the five regional groups, as well as a separate sheet for the floating seat, containing the names of the candidates, together with the name of the States that had nominated them.

26. The Meeting agreed on the election procedures outlined by the President.

27. After completion of the first round of balloting, the President announced the election to the Tribunal of the following six people for a nine-year term of office, from 1 October 2020 to 30 September 2029: David J. Attard (Malta), Ida Caracciolo (Italy), Jielong Duan (China), María Teresa Infante Caffi (Chile), Maurice Kengne Kamga (Cameroon) and Markiyan Kulyk (Ukraine) (see annex for a summary of the balloting for the election).

28. On 25 August, an inconclusive second round of balloting (first restricted ballot) was held for the remaining seat to be filled from among the candidates from the Group of Latin American and Caribbean States. Later that day, the President received a communication informing him that the Government of Brazil had decided to withdraw the candidature of Rodrigo Fernandes More. In a letter of the same date in which he circulated that communication, the President indicated that, consequently, Kathy-Ann Brown (Jamaica) was the only candidate standing for the seat allocated to the Group of Latin American and Caribbean States for the restricted ballot, and that only her name would appear on the ballot.

29. After completion of the third round of balloting (second restricted ballot) on 26 August, the President announced the election of Kathy-Ann Brown for a nine-year term of office, from 1 October 2020 to 30 September 2029.

30. The plenary meeting of the thirtieth Meeting was then adjourned on the understanding that consideration of the remaining items on the agenda would be taken up at a time and according to modalities to be determined following consultations.<sup>6</sup>

<sup>4</sup> See the letter dated 21 August 2020 from the President of the thirtieth Meeting.

<sup>5</sup> See footnote 1.

<sup>6</sup> See the letter dated 26 August 2020 from the President of the thirtieth Meeting.

## Annex

### **Summary of the balloting for the election of seven members of the International Tribunal for the Law of the Sea**

1. The election required three rounds of balloting. In the first round, for the one seat allocated to a member from the Group of African States, of the 166 ballots cast, with no invalid ballots and 9 abstentions, 105 votes had to be obtained by a candidate to be elected. Maurice Kengne Kamga (Cameroon) was elected, with 157 votes. For the one seat allocated to a member from the Group of Asia-Pacific States, of the 166 ballots cast, with no invalid ballot and 17 abstentions, 100 votes had to be obtained by a candidate to be elected. Jielong Duan (China) was elected, with 149 votes. For the one seat allocated to a member from the Group of Eastern European States, of the 166 ballots cast, with no invalid ballots and 16 abstentions, 100 votes had to be obtained by a candidate to be elected. Markiyan Kulyk (Ukraine) was elected, with 150 votes. For the two seats allocated to a member from the Group of Latin American and Caribbean States, of the 166 ballots cast, with 2 invalid ballots and 1 abstention, 109 votes had to be obtained by candidates to be elected. María Teresa Infante Caffi (Chile) was elected to one of the seats, with 120 votes. The other three candidates did not obtain the required number of votes to be elected to the second seat. For the one seat allocated to a member from the Group of Western European and other States, of the 166 ballots cast, with no invalid ballots and 6 abstentions, 107 votes had to be obtained by a candidate to be elected. David J. Attard (Malta) was elected, with 160 votes. For the one seat allocated to a member from the Group of African States, the Group of Asia-Pacific States or the Group of Western European and other States, of the 166 ballots cast, with no invalid ballots and 7 abstentions, 106 votes had to be obtained by a candidate to be elected. Ida Caracciolo (Italy) was elected, with 159 votes. Thus, six candidates were elected in the first round.

2. A second round of balloting (first restricted ballot) was held on 25 August 2020 for the remaining seat allocated to a member from the Group of Latin American and Caribbean States. Pursuant to rule 66 of the Rules of Procedure, this round of balloting was restricted to the two candidates who had obtained the greatest number of votes in the previous ballot. Of the 165 ballots cast, with no invalid ballots and 3 abstentions, 108 votes had to be obtained by a candidate to be elected. Neither of the two candidates obtained the required number of votes.

3. A third round of balloting (second restricted ballot) was held on 26 August for the remaining seat allocated to a member from the Group of Latin American and Caribbean States. Pursuant to rule 66 of the Rules of Procedure, this round of balloting was restricted to the two candidates who had obtained the greatest number of votes in the previous ballot. However, following the withdrawal of the candidature of Rodrigo Fernandes More by the Government of Brazil, only one candidate was considered for the third round of balloting, which was necessary despite this withdrawal because, pursuant to the Statute of the International Tribunal for the Law of the Sea, the majority requirements described in paragraph 24 of the present report had to be met for the candidate to be elected. Of the 159 ballots cast, with no invalid ballots and 6 abstentions, 102 votes had to be obtained by a candidate to be elected. Kathy-Ann Brown (Jamaica) was elected, with 153 votes.