

I wish to refer to your letter of 16 March 2023 in which you outlined some concerns relating to the functions of the Secretary-General. I deeply regret that the State Secretary considered it necessary to send such a letter.

It may be useful to recall that Article 166 of the United Nations Convention on the Law of the Sea provides that the Secretary-General shall be the chief administrative officer of the Authority and shall act in that capacity in all meetings of the Assembly, of the Council and any subsidiary organ. This is also reflected in the Rules of Procedure of the Council which permit the Secretary-General, at any time, to make oral or written statements to the Council concerning any question under consideration by it.

The principal role of the Secretary-General is to be a guardian of the integrity of the Convention and the 1994 Agreement and to ensure the good functioning of the Authority so that it fulfils its mandate. General principles of the law of international organizations recognize the implicit competence of the Secretary-General to discharge his or her responsibilities particularly as it relates to the respect by members of the legal framework. This is consistent with the role of the Secretariat as one of the principal organs of the Authority.

Contrary to what is asserted in the letter, the opening remarks delivered by me at the intersessional dialogue on 8 March 2023 (attached) did not present any preferred interpretation of the Convention or the 1994 Agreement and did not refer to any specific proposal by any delegation. My remarks were fully consistent with the competences recognized to me, suggesting general and non-controversial considerations for evaluating all proposals and suggestions relating to the matter under consideration. They are remarks that I am not only entitled to make, but also expected to make in accordance with my responsibilities under the Convention.

Dr Franziska Brantner Parliamentary State Secretary Federal Ministry for Economic Affairs and Climate Action



What is of particular concern is that the letter goes on to make a bold and unsubstantiated allegation, without facts or evidence, that I have, in the past, actively taken a stand against positions and decision-making proposals from delegations. This is untrue and I reject such a baseless allegation.

I wish to take this opportunity to remind you of the provisions of Article 168 of the Convention and the obligation on each State Party to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

I would suggest that circulating your letter to all members and observers of the Council would be ill-advised and unnecessary. Nevertheless, if Germany insists to circulate your letter, I respectfully request that you do so with my letter in response, and my remarks to the intersessional dialogue, attached.

Finally, I refer to the first paragraph of your letter and acknowledge with appreciation Germany's full support for the performance of the functions of the Secretariat. As a State Party to the Convention and the 1994 Agreement, a member of the Council, and a State sponsor of activities in the Area, Germany has always made a constructive and important contribution to the work of the Authority. This contribution is highly appreciated, and I look forward to further cooperation in future.

With assurances of my highest consideration.

Michael W. Lodge