



Council

Distr.: General
9 May 2019

Original: English

Twenty-fifth session

Council session, part II

Kingston, 15–19 July 2019

Agenda item 15

Issues relating to the election of members of the Legal and Technical Commission

Proposed procedure for the election of members of the Commission

Submitted by the delegation of Belgium

I. Introduction

1. In decision [ISBA/22/C/29](#) relating to the election of the members of the Legal and Technical Commission for the period from 2017 to 2021, the Council of the International Seabed Authority requested that the Secretary-General provide a report in which he would identify the ideal size of the Commission and propose a mechanism to ensure that future elections would be undertaken in a manner that better took into account all the considerations set out in the second preambular paragraph of the decision, including equitable geographical representation.
2. At its twenty-third session, the Secretary-General provided the Council with a report on the legal basis for the composition of the Legal and Technical Commission and for the election of its members, as well as a history of previous elections ([ISBA/23/C/2](#)). It was followed, at the twenty-fourth session of the Council, by a report on the cost-effectiveness of the current membership of the Legal and Technical Commission and a comparison between the Commission as currently constituted, with 30 members, and its previous membership ([ISBA/24/C/14](#)).
3. In a non-paper submitted by Belgium during the twenty-fourth session, the Belgian delegation proposed that a way had to be found to ensure that both relevant expertise and the regional distribution of seats are taken into account during the elections.

II. Reason for submitting

4. Following up on our statement in our non-paper of 2018, Belgium has sought to identify feasible ways of ensuring that both relevant expertise and the regional



distribution of seats are taken into account during the elections. The present paper contains the results of our brainstorming.

III. Objective

5. The present paper proposes a procedure that will ensure that both relevant expertise and regional distribution of seats are taken into account in the election of the members of the Legal and Technical Commission. In order to ensure the same procedure applies to all commissions of the Authority, the procedure outlined below was written as applicable to all.

IV. Procedure

6. Two sessions prior to an election, the Council shall decide on the size of each commission and request the commissions to provide for the Council's forthcoming session a report on the number of members required for each area of expertise, taking into account the limit on the number of seats imposed by the Council. The Council shall also decide whether the Economic Planning Commission is to be activated after the next election. Should this be the case, the Legal and Technical Commission shall be requested to provide a report for both the Legal and Technical Commission and the Economic Planning Commission, during the elections, prior to the activation of the latter.

7. The commissions shall base the needs of the commissions on the strategic plan of the Authority and the work that is expected to be allocated to the commissions. The reports shall contain a proposal for the number of members required in each area of expertise and the justification for that distribution; they may contain a request to increase the size of a commission. Such a request shall also be justified. The reports shall be made available at least two months before the item is debated by the Council.

8. During the session preceding the election, the chairs of the commissions shall present their reports to the Council. The Council shall consider the reports and make a final decision on the number of members in each commission and on the geographical distribution of the seats in each commission. The required expertise in each regional group shall be assigned as follows:

(a) If the required number of candidates in a particular area of expertise is equal to or greater than the number of regional groups, one candidate shall come from each regional group;

(b) After (a), if the required number of candidates in a particular area of expertise is equal to or greater than the number of regional groups still having seats to allocate, one candidate will come from each regional group;

(c) After (b), the unassigned areas of expertise shall be assigned among the regional groups, with, at most, one candidate per area of expertise coming from each regional group;

(d) The remaining number of candidates in the areas of expertise assigned under (a) and (b) shall be equally assigned over the remaining seats;

(e) Regional groups with up to three seats may request to exchange, with a larger regional group, an expertise assigned under (a) or (b) for an expertise assigned under (c).

9. Each regional group shall ensure that a document identifying the correct number of candidates, with the correct expertise, is submitted by the States parties to the

Authority. The Council shall not consider a document from a regional group that does not meet those two criteria. No exceptions shall be permitted.

10. When replacing members during the term of the commission, the candidates shall be from the same regional group and the same area of expertise as the member they are replacing.

V. Recommendation

11. The Council is invited to take note of the proposed procedure and to request the Secretary-General to consider it in preparing his report on the election of the members of the Legal and Technical Commission.
