



EMBASSY OF BELGIUM
AMBASSADE DE BELGIQUE
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AMBASSADE VAN BELGIË

Kingston, January 6, 2021

H.E. Denys Wibaux
President of the ISA Assembly
Kingston

Excellency,

I refer to your letter of 31 December 2020 by which Draft Decision ISA/26/A/CRP.4 of the Assembly of the International Seabed Authority (ISA), relating to the election to fill the vacancies on the Council of the Authority, was tabled for consideration by the Assembly through silence procedure expiring on 6 January 2021 at 5pm (Jamaica time).

I also wish to refer to your letter of 17 November 2020, whereby the schedule and modalities for the organization of work of the 26th session of the Assembly were proposed, which were subsequently adopted by the Assembly on 20 November 2020. With regards to the election to fill vacancies on the Council of the ISA, to be considered under Agenda item 18, you stated in this letter that: "*In this respect, I wish to highlight the fact that the decision will be made by consensus, as it has always been the case.*"

Moreover, I wish to refer to Rule 83.2 of the Rules of Procedure of the Assembly of the ISA which states that: "*(...) when the number of potential candidates in each of the groups (...) exceeds the number of seats available in each of those respective groups, as a general rule, the principle of rotation will apply.*" Rule 86 of the same Rules of Procedure states moreover that: "*Members of the Council shall be eligible for re-election, but due regard should be paid to the desirability of the rotation of membership (...).*"

Belgium has presented its candidature for a seat in the Council in Group E for the period 2021-2024 by Note Verbale to the Secretariat of the ISA on 12 November 2020, now 8 weeks ago, in which it also expressed its commitment to agree on a rotation with other countries from the WEOG regional group which are candidates for membership in the Council in the period 2021-2024. In Group E of the Council of the ISA, there are within the WEOG regional group 5 candidate countries for 3 vacant seats for the period 2021-2024: Belgium, Netherlands, Norway, Spain and UK. The five countries have all very valid reasons and strong credentials for being a member of the Council, but unlike the other four countries who have been members of the Council on multiple occasions over the last 20 years, Belgium has been a member of the Council for only one year since 2001.



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So far, no consensus on a rotation agreement for the 3 seats in Group E has been reached within Group E or within the WEOG regional group. Therefore, no decision can be taken at this point in time. As a consequence, Belgium is left with no other option than to break the silence regarding Draft Decision ISA/26/A/CRP, which excludes Belgium from participation in the Council as a member for the next four years, without its prior consent and against the letter and spirit of the Rules of Procedure of the Assembly of the ISA.

After the initial announcement of its candidacy, Belgium has presented -- by letters of 1 December 2020 and 16 December 2020 -- two new proposals to you and the involved countries within the WEOG group, in genuine attempts to find consensus. Although no agreement has been reached yet, Belgium welcomes the recognition by all involved countries within WEOG that Belgium deserves a seat in the Council given its active involvement with the organization since many years. Belgium equally appreciates the expressed commitment to come to an arrangement acceptable to all within a reasonable timeframe, based on equitable representation.

Belgium is ready to support a Draft Decision that would allow the Council to be fully constituted for its meetings in 2021, while giving time to the WEOG regional group to continue its internal consultations on rotation arrangements agreeable to all from 2022 onwards.

I would appreciate it if you could share this letter to all member states of the Assembly, and table as soon as possible a new draft decision taking into account the legitimate aspirations of Belgium.

Please accept the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Hugo Verbist', enclosed within a large, loopy oval scribble.

Hugo Verbist
Head of Delegation
Permanent Mission of Belgium
To the International Seabed Authority