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Agenda item 6

**Issues relating to the election in 2021 of members of the
Legal and Technical Commission**

Decision of the Council of the International Seabed Authority relating to the election in 2021 of members of the Legal and Technical Commission

The Council of the International Seabed Authority,

Considering the matter of the election of members of the Legal and Technical Commission for the period 2022–2026,

Understanding the increase in complexity of the matter of the election of members of the Commission,

Taking into account the efforts of the informal working group to find a solution on a process to govern the election of members of the Commission,

Understanding the need for further discussion on this matter in order to achieve a sustainable result,

Desiring to continue the work of the Council of the International Seabed Authority in a constructive manner,

1. *Requests* the Secretary-General to seek the views of the Legal and Technical Commission regarding its assessment of the current and future needs for specific areas of expertise at the next meeting of the Commission and to prepare a report for consideration of the Council of the International Seabed Authority at its next meeting in July 2020;

2. *Decides* to further discuss the process governing the elections of members of the Commission on the basis of the working paper, as an annex and integral part of the present decision, presented to the Council on 20 February 2020 by the Facilitator of the above-mentioned informal working group as the starting point to reach a consensus on this matter;

3. *Also decides* that the question of the composition of the Commission shall be considered as a matter of priority at the next meeting of the Council, with a view to taking a decision at that meeting.

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Annex

Working paper of the Facilitator on the election in 2021 of members of the Legal and Technical Commission

Taking into account the opinions expressed, I propose the following as a basis for further discussion of the matter of the election of members of the Legal and Technical Commission:

1. The overall number of members of the Commission should not be less than 25, as indicated in the decision of the Council contained in document [ISBA/22/C/29](#), but should not exceed its current membership of 30.

2. The Council requests the Secretary-General to seek the views of the Commission regarding its assessment of the current and future needs for specific areas of expertise (mineral resources, oceanology, marine environment, economy, legal matters, etc.) in the composition of the Commission and provide clear guidance on such composition at the earliest possibility in order to facilitate the discussion of the appropriate qualifications of candidates.

3. The Council elaborates a clear mechanism for the election of members of the Commission on the basis of:

(a) Equitable geographical distribution and the representation of special interests, in accordance with the relevant applicable provisions, including article 163, paragraphs 3 and 4, and article 165 of the United Nations Convention on the Law of the Sea,¹ the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982,² and rules 78 and 81 of the rules of procedure of the Council;

(b) Existing practices applicable in the selection of members of various United Nations bodies, including technical and expert bodies;

(c) Assessment of the need for specific areas of expertise by the Commission, as referred to in paragraph 2 above.

4. The Facilitator shall provide a first draft of that mechanism by the end of March 2020 in order to enable the possibility of intersessional work that would be organized by means of exchanging written comments and proposals to be sent by email to the Secretariat. Thereafter, the Facilitator will analyse them and provide an amended draft which will be distributed by the Secretariat. The Facilitator will amend the text in three weeks. The deadline for submitting comments is also three weeks.

5. A decision on the mechanism to govern the elections of members of the Commission shall be adopted during the second part of the twenty-sixth session of the Council in July 2020.

¹ United Nations, *Treaty Series*, vol. 1833, No. 31363.

² United Nations, *Treaty Series*, vol. 1836, No. 31364.