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Agenda item 6

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

Election of members of the Legal and Technical Commission

Report of the Secretary-General

1. At its 263rd meeting, on 20 February 2020, the Council of the International Seabed Authority adopted a decision relating to the election in 2021 of members of the Legal and Technical Commission ([ISBA/26/C/9](#)). In that decision, the Council requested the Secretary-General to seek the views of the Commission regarding its assessment of the current and future needs for specific areas of expertise and to prepare a report for consideration by the Council at its next meeting, in July 2020.
2. Accordingly, an exchange of views was held by the Commission during part I of its session, from 24 February to 6 March 2020 (see annex).
3. The previous reports of the Secretary-General on the question of the election of members of the Commission ([ISBA/23/C/2](#) and [ISBA/24/C/14](#)) should be read in conjunction with the present report. Reference is also made to the procedures for the nomination of candidates to the Commission (see [ISBA/13/C/6](#)).
4. The Council is invited to take note of the information contained in the present report.



Annex

Exchange of views among the members of the Legal and Technical Commission on the current and future needs for specific areas of expertise

1. On 27 February and 3 and 5 March 2020, in line with the decision of the Council of the International Seabed Authority relating to the election in 2021 of members of the Legal and Technical Commission ([ISBA/26/C/9](#)), the Secretary-General sought the views of the Commission regarding its assessment of the current and future needs for specific areas of expertise of the next members. The Commission expressed its appreciation for the opportunity to consider the question.

2. In that respect, the Commission referred to the non-exhaustive enumeration of appropriate qualifications required of members of the Commission under article 165 of the United Nations Convention on the Law of the Sea, namely, those relevant to exploration for and exploitation and processing of mineral resources, oceanology, protection of the marine environment, or economic or legal matters relating to ocean mining and related fields of expertise.

3. The Commission recalled that, in addition to performing the functions of the Economic Planning Commission until its establishment, its functions could be broadly categorized into the following four groups in the light of article 165, paragraph 2, of the Convention:

- (a) Functions relating to the approval of plans of work (subparagraph (b));
- (b) Functions relating to the supervision of activities in the Area (subparagraphs (a), (c), (i), (j) and (m));
- (c) Regulatory functions (subparagraphs (f) and (g));
- (d) Functions relating to the assessment of the environmental impact of activities in the Area (subparagraphs (d), (e), (h), (k) and (l)).

4. In connection with each of those categories, the Commission considered that the next programme of work was likely to include:

- (a) Any applications for: approval of plans of work for exploration; approval of plans of work for exploitation; and extension of contracts for exploration;

- (b) Activities of contractors consisting of: implementation of training programmes; consideration of 30 annual reports of contractors each year (on the basis of the existing number of contracts); 40 periodic reviews of the implementation of the five-year programme of activities of the contractors; implementation of the data management strategy; assessment of mineral resources in areas under contracts; and review of any environmental impact assessments (pursuant to the Commission's recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area ([ISBA/25/LTC/6/Rev.1](#));

- (c) Regulatory activities: development of standards and guidelines for activities in the Area (phases 2 and 3); and potential impact of polymetallic nodule production from the Area on the economies of developing land-based producers of those metals that were likely to be most seriously affected;

- (d) Environmental management planning: recommendations on regional environmental management plans (for the mid-Atlantic ridge, polymetallic sulphides; for the South Atlantic, cobalt-rich ferromanganese crusts; for the Indian Ocean,

polymetallic nodules and polymetallic sulphides; and for the Pacific Ocean, polymetallic nodules and cobalt-rich ferromanganese crusts).

5. In the light of that anticipated programme of work, it was generally agreed that the Commission would benefit from new members with the expertise and relevant specialties described in table 1.

Table 1

Suggested expertise and specialties of new Commission members

<i>Expertise</i>	<i>Relevant specialties (indicative)</i>
Earth science	Geologists, geophysicists, geochemists
Engineering	Marine technology engineers, mining engineers
Environmental science	Marine ecologists, marine biologists, oceanographers
Law	International lawyers, maritime lawyers, mining lawyers, contract lawyers
Economy	Mineral economists, development economists, finance economists, trade analysts

6. The Commission would be further strengthened if a number of its new members were to have experience in the fields of, among other things, resource management, regulatory functions and data management. It should be noted that experts in environmental science are currently underrepresented.

7. Table 2 sets out the current work of the Commission and the anticipated work of the next members, as well as the corresponding expertise needs.

Table 2

Current and anticipated work of the Commission and expertise needs

<i>Tasks</i>	<i>Expertise</i>
Applications for approval of plans of work and extensions of contracts	Earth science
Recommendations on applications for approval of plans of work for exploration and exploitation	Engineering
Recommendations on applications for extension of contracts for exploration	Environmental science
	Law
	Economy
Activities of contractors	Earth science
Consideration of annual reports of contractors (currently 30)	Engineering
Periodic reviews of five-year programmes of contractor activities (currently 40)	Environmental science
Implementation of training programmes	Law
Implementation of the data management strategy and database	Economy
	Earth science
	Environmental science
Assessment of mineral resources in areas under contracts	Earth science
	Economy

<i>Tasks</i>	<i>Expertise</i>
Review of environmental impact assessments under exploration	Environmental science Earth sciences Engineering Law
Regulatory activities	Earth science Engineering Environmental science Law Economy
Environmental management	Earth science Engineering Environmental science Law Economy
Review of existing, and recommendations on future, regional environmental management plans	
Functions of the Economic Planning Commission (art. 164 of the Convention)	Earth science Engineering Economy Law
Review of report on potential impact of deep-sea mineral production on land-based producers	
(Review of the trends in and the factors affecting supply, demand and price of minerals)	(This task belongs to the
Examination of situations that may lead to adverse effects on economies of developing countries)	Economic Planning Commission)