

**ELECTION TO FILL VACANCIES IN THE COUNCIL FOR THE PERIOD
2009 TO 2012 IN ACCORDANCE WITH ARTICLE 161,
PARAGRAPH 3, OF THE CONVENTION**

Note by the Secretariat

I. INTRODUCTION

1. This informal paper has been prepared by the Secretariat in order to facilitate the forthcoming election of one-half of the members of the Council for the period 2009 to 2012.
2. In accordance with paragraph 15, of section 3, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Agreement"), the Council shall consist of 36 members of the Authority, elected by the Assembly in the following order:
 - “(a) Four members from among those States Parties which, during the last five years for which statistics are available, have either consumed more than 2 per cent in value terms of total world consumption or have had net imports of more than 2 per cent in value terms of total world imports of the commodities produced from the categories of minerals¹ to be derived from the Area, provided that the four members shall include one State from the Eastern European region having the largest economy in that region in terms of gross domestic product and the State, on the date of entry into force of the Convention, having the largest economy in terms of gross domestic product, if such States wish to be represented in this group **[Group A]**;
 - “(b) Four members from among the eight States Parties which have made the largest investments in preparation for and in the conduct of activities in the Area, either directly or through their nationals **[Group B]**;
 - “(c) Four members from among States Parties which, on the basis of production in areas under their jurisdiction, are major net exporters of the categories of minerals to be derived from the Area, including at least two developing States whose exports of such minerals have a substantial bearing upon their economies² **[Group C]**;
 - “(d) Six members from among developing States Parties, representing special interests. The special interests to be represented shall include those of States with large populations, States which are land-locked or geographically disadvantaged, island States, States which are major importers of the categories of minerals to be derived from the Area, States which are potential producers of such minerals and least developed States **[Group D]**;

“(e) Eighteen members elected according to the principle of ensuring an equitable geographical distribution of seats in the Council as a whole, provided that each geographical region shall have at least one member elected under this subparagraph. For this purpose, the geographical regions shall be Africa, Asia, Eastern Europe, Latin America and the Caribbean and the Western Europe and Others [Group E].”

3. During the election for the first members of the Council, it was agreed to allocate 10 seats on the Council to the African Group, 9 seats to the Asian Group, 8 seats to the Western European and Others Group, 7 seats to the Latin American and Caribbean Group and 3 seats to the Eastern European Group. Since the total number of seats allocated according to that formula is 37, it was also agreed that each regional group other than the Eastern European Group would relinquish a seat in rotation in the first four years of the Council. As part of the understanding reached in 1996 concerning the composition of the Council, it was agreed that “after the first four years, the principle of burden-sharing, on an equal and equitable basis, shall continue to be respected involving the five regional groups and taking into account the situation at that time, in particular the effect of the termination of the provisional membership in the Assembly.”³ It was understood, therefore, that for the period 2007 to 2010 each regional group other than the Eastern European Group should relinquish a seat in rotation in the following manner:

- (a) in the first year (2007), the African Group would occupy nine seats; and
- (b) in the second year (2008), the Asian Group would occupy eight seats;
- (c) in the third year (2009), the Latin American and Caribbean Group would occupy six seats;
- (d) in the fourth year (2010), the Western European and Others Group would occupy seven seats.

As agreed, the regional group which relinquishes a seat has the right to designate a member of that group to participate in the deliberation of the Council without a vote during the period of relinquishment.

4. Pursuant to article 161, paragraph 3, of the United Nations Convention on the Law of the Sea (“the Convention”), the terms of office of twenty members of the Council expired on 31 December 2006. A vacancy-filling election was held on 17 August 2006 when the following States were elected to the Council for a period of four years each from 2007 through 2010, subject to the understandings reached in the interest groups and regional groups (ISBA/12/A/12):

- | | |
|----------|--|
| Group A: | Italy, Russian Federation |
| Group B: | France, Germany |
| Group C: | Canada, Indonesia (By special arrangement Canada would relinquish its seat to Australia from 1 January 2009 for two years) |
| Group D: | Egypt, Fiji, Jamaica |
| Group E: | Cameroon, Cote d’Ivoire, Honduras, Mexico, Nigeria, Qatar, Republic of Korea, Viet Nam. |

II. ELECTION FOR THE PERIOD 2009 TO 2012

5. In accordance with the Convention and the decisions of the Assembly, the terms of office of 20 of the members of the Council will end on 31 December 2008. The changes that are foreseen in each of the 5 groups in the Council are described in the following paragraphs.

Group A (4 members)

6. The current composition of Group A is **China** (elected in 2004 for a four-year term expiring on 31 December 2008), **Japan** (re-elected in 2004 for a four-year term expiring on 31 December 2008), **Italy**⁴ (re-elected in 2006 for a four-year term expiring on 31 December 2010), **Russian Federation** (re-elected in 2006 for a four-year term expiring on 31 December 2010). **Two** vacancies will need to be filled in Group A for the period 2009 to 2012.

Group B (4 members)

7. The current composition of Group B is **India** (re-elected in 2004 for a four-year term expiring on 31 December 2008), **United Kingdom** (elected in 2004 for a four-year term expiring on 31 December 2008), **France** (re-elected in 2006 for a four-year term expiring on 31 December 2010) and **Germany** (re-elected in 2006 for a four-year term expiring on 31 December 2010). **Two** vacancies will need to be filled in Group B for the period 2009 to 2012.

Group C (4 members)

8. The current composition of Group C is **Portugal** (elected in 2004 for a four-year term expiring on 31 December 2008), **South Africa** (elected in 2004 for a four-year term expiring on 31 December 2008), **Canada** (elected in 2006 for a four-year term expiring on 31 December 2010 but will relinquish its seat to Australia from 1 January 2009 for two years), **Indonesia** (re-elected in 2006 for a four-year term expiring on 31 December 2010). **Two** vacancies will need to be filled in Group C for the period 2009 to 2012.

Group D (6 members)

9. The current composition of Group D is **Brazil** (re-elected in 2004 for a four-year term expiring on 31 December 2008), **Malaysia** (elected in 2004 for a four-year term expiring on 31 December 2008), **Sudan** (re-elected in 2004 for a four-year term expiring on 31 December 2008), **Egypt** (re-elected in 2006 for a four-year term expiring on 31 December 2010), **Fiji** (re-elected in 2006 for a four-year term expiring on 31 December 2010), **Jamaica** (re-elected in 2006 for a four-year term expiring on 31 December 2010). **Three** vacancies will need to be filled in Group D for the period 2009 to 2012.

Group E (18 members)

10. The current composition of Group E is **Argentina, Czech Republic, Gabon, Guyana, Kenya, Namibia, Netherlands, Poland, Senegal, Spain, and Trinidad & Tobago**

elected in 2004 for a four-year term expiring on 31 December 2008). **Cameroon, Côte d'Ivoire, Honduras, Mexico, Nigeria, Qatar, Republic of Korea, and Viet Nam** (re-elected or elected in 2006 for a four-year term expiring on 31 December 2010, except Honduras will relinquish its seat to Chile from 1 January 2009 for two years). **Eleven** vacancies will need to be filled in Group E for the period 2007 to 2010.

11. A table showing the composition of the Council during the period 2004 to 2010 is provided as Annex I.

12. An indicative list of States members of the International Seabed Authority which are potential members of the groups defined in paragraph 15 of section 3 of the annex to the Agreement is provided as Annex II.

Notes:

¹ A mineral is a naturally occurring inorganic element or compound. Rocks, as distinct from minerals, are composed of assemblages of minerals. When minerals are found in sufficient concentration to warrant extraction by mining, the mineralized area is considered an ore deposit. The definition of ore is mineral that can be extracted from the ground as profit. SME Mining Engineering Handbook, Howard L. Hartman, senior ed., Littleton, Colo.: SME/AIME, 1992.

² Based on the definition of minerals and the requirement that production must be from areas under the jurisdiction of States Parties, the relevant statistics are primary production of four metals, ores of nickel, copper, cobalt and manganese, from areas under the jurisdiction of the State Party and exports of said ores.

³ ISBA/A/L.8 and Corr. 1. The relinquishment of one seat in rotation was done to accommodate an extra seat for the African Group which was in 1996 the largest regional group. Currently Asia is the largest regional group.

⁴ Italy will relinquish its seat in favour of the United States of America if the United States becomes a member of the Authority. This does not prejudice the position of any country with respect to any intervening election (ISBA/5/A/7*).

ANNEX I

COMPOSITION OF THE COUNCIL FOR THE PERIOD 2004 TO 2010

2004	2005	2006	2007	2008	2009	2010
Group A (4 members)						
Japan	Japan	Japan	Japan	Japan		
Russian Federation	Russian Federation	Russian Federation	Russian Federation	Russian Federation	Russian Federation	Russian Federation
United Kingdom	China	China	China	China		
Italy	Italy	Italy	Italy	Italy	Italy	Italy
Group B (4 members)						
China	United Kingdom	United Kingdom	United Kingdom	United Kingdom		
India	India	India	India	India		
France	France	France	France	France	France	France
Germany	Germany	Germany	Germany	Germany	Germany	Germany
Group C (4 members)						
Australia	Canada	Canada	Canada	Canada	Australia	Australia
Indonesia	Indonesia	Indonesia	Indonesia	Indonesia	Indonesia	Indonesia
Gabon	South Africa	South Africa	South Africa	South Africa		
Portugal	Portugal	Portugal	Portugal	Portugal		
Group D (6 members)						
Brazil	Brazil	Brazil	Brazil	Brazil		
Papua New Guinea	Malaysia	Malaysia	Malaysia	Malaysia		
Jamaica	Jamaica	Jamaica	Jamaica	Jamaica	Jamaica	Jamaica
Sudan	Sudan	Sudan	Sudan	Sudan		
Egypt	Egypt	Egypt	Egypt	Egypt	Egypt	Egypt
Fiji	Fiji	Fiji	Fiji	Fiji	Fiji	Fiji
Group E (18 members)						
South Africa	Gabon	Gabon	Gabon	Gabon		
Namibia	Namibia	Namibia	Namibia	Namibia		
Senegal	Senegal	Senegal	Senegal	Senegal		
Nigeria	Nigeria	Nigeria	Nigeria	Nigeria	Nigeria	Nigeria
Cameroon	Cameroon	Cameroon	Cameroon	Cameroon	Cameroon	Cameroon
Côte d'Ivoire	Côte d'Ivoire	Côte d'Ivoire	Côte d'Ivoire	Côte d'Ivoire	Côte d'Ivoire	Côte d'Ivoire
Algeria	Kenya	Kenya	Kenya	Kenya		
[Myanmar]	Myanmar	Myanmar	Viet Nam	Viet Nam	Viet Nam	Viet Nam
Saudi Arabia	Saudi Arabia	Saudi Arabia	Qatar	Qatar	Qatar	Qatar
Poland	Poland	Poland	Poland	Poland		
Republic of Korea	Republic of Korea	Republic of Korea	Republic of Korea	Republic of Korea	Republic of Korea	Republic of Korea
Malta	Netherlands	Netherlands	Netherlands	Netherlands		
Spain	Spain	Spain	Spain	Spain		
Czech Republic	Czech Republic	Czech Republic	Czech Republic	Czech Republic		
Argentina	Argentina	Argentina	Argentina	Argentina		
Honduras	Honduras	Honduras	Honduras	Honduras	Chile	Chile
Chile	Chile	Chile	Mexico	Mexico	Mexico	Mexico
Guyana	Guyana	Guyana	Guyana	Guyana		
Trinidad & Tobago	[Trinidad & Tobago]	Trinidad & Tobago	Trinidad & Tobago	Trinidad & Tobago		

ANNEX II

INDICATIVE LIST OF STATES MEMBERS OF THE
INTERNATIONAL SEABED AUTHORITY WHICH ARE
POTENTIAL MEMBERS OF THE GROUPS DEFINED
IN PARAGRAPH 15, SUB-PARAGRAPHS (A) THROUGH (E) OF THE
AGREEMENT

1. GROUP A

MAJOR CONSUMERS OR MAJOR NET IMPORTERS

(Derived from lists 1, 2, 3 and 4 of ISBA/14/A/CRP.2)

Austria	India	Russian Federation
Belgium	Italy	South Africa
Brazil	Japan	Spain
China	Malaysia	Sweden
Canada	Netherlands	Ukraine
Finland	Norway	United Kingdom
France	Philippines	Zimbabwe
Germany	Republic of Korea	

2. GROUP B

MAJOR INVESTORS

(Derived from list 5 of ISBA/14/A/CRP.2)

Belgium	France	Poland
Bulgaria	Germany	Republic of Korea
Canada	India	Russian Federation
China	Italy	Slovakia
Cuba	Japan	United Kingdom
Czech Republic	Netherlands	

3. GROUP C

MAJOR NET EXPORTERS AND DEVELOPING STATE MAJOR EXPORTERS

(Derived from list 6 of ISBA/14/A/CRP.2)

Argentina	Gabon	Poland
Australia	Germany	Portugal
Belgium	Ghana	Republic of Korea
Botswana	India	Russian Federation
Brazil	Indonesia	Singapore
Canada	Mexico	South Africa
Chile	Mongolia	Ukraine
China	Morocco	Uganda
Cuba	Norway	Zaire
Finland	Papua New Guinea	Zambia
France	Peru	Zimbabwe

4. GROUP D GROUP OF SPECIAL INTERESTS

(Developing States with large populations; developing States which are land-locked or geographically disadvantaged; developing island States; developing States which are potential producers; developing States which are major importers; least developed States. Derived from lists 7 to 13 of ISBA/14/A/CRP.2)

Algeria	Iraq	Saint Lucia
Angola	Jamaica	Saint Vincent and the Grenadines
Antigua and Barbuda	Jordan	Samoa
Argentina	Kiribati	Sao Tome and Principe
Bahamas	Kuwait	Saudi Arabia
Bahrain	Korea, Republic of	Senegal
Bangladesh	Lao People's Democratic Republic	Serbia
Barbados	Macedonia, the former Yugoslav Republic of	Seychelles
Belize	Madagascar	Sierra Leone
Benin	Malaysia	Singapore
Bolivia	Maldives	Solomon Islands
Botswana	Mali	Somalia
Brazil	Malta	South Africa
Cameroon	Marshall Islands	Sri Lanka
Cape Verde	Mauritania	Sudan
Chile	Mauritius	Suriname
China	Mexico	Trinidad and Tobago
Comoros	Micronesia (Federated States of)	Togo
Cook Islands	Mongolia	Tonga
Côte d'Ivoire	Montenegro	Tuvalu
Cyprus	Mozambique	Uganda
Cuba	Myanmar	United Republic of Tanzania
Congo, the Democratic Republic of	Nauru	Vanuatu
Djibouti	Nepal	Yemen
Dominica	Nigeria	Zaire
Equatorial Guinea	Niue	Zambia
Fiji	Oman	Zimbabwe
Gabon	Pakistan	
Gambia	Palau	
Ghana	Papua New Guinea	
Grenada	Paraguay	
Guinea	Peru	
Guinea-Bissau	Philippines	
Haiti	Qatar	
India	Saint Kitts and Nevis	
Indonesia		

5. GROUP E
MEMBERS OF THE REGIONAL GROUPS
(Derived from list 14 of ISBA/14/A/CRP.2)

African Group (41)

Algeria	Gambia	Senegal
Angola	Ghana	Seychelles
Benin	Guinea	Sierra Leone
Botswana	Guinea-Bissau	Somalia
Burkina Faso	Kenya	South Africa
Cameroon	Lesotho	Sudan
Cape Verde	Madagascar	Togo
Comoros	Mali	Tunisia
Côte d'Ivoire	Mauritania	Uganda
Democratic Republic of the Congo	Mauritius	United Republic of Tanzania
Djibouti	Morocco	Zambia
Egypt	Mozambique	Zimbabwe
Equatorial Guinea	Namibia	
Gabon	Nigeria	
	Sao Tome and Principe	

Asian Group (42)

Bahrain	Lao People's Democratic Republic	Palau
Bangladesh	Lebanon	Papua New Guinea
Brunei Darussalam	Malaysia	Philippines
China	Maldives	Qatar
Cook Islands	Marshall Islands	Republic of Korea
Cyprus	Micronesia	Samoa
Fiji	(Federated States of)	Saudi Arabia
India	Mongolia	Singapore
Indonesia	Myanmar	Solomon Islands
Iraq	Nauru	Sri Lanka
Japan	Nepal	Tonga
Jordan	Niue	Tuvalu
Kiribati	Oman	Vanuatu
Kuwait	Pakistan	Viet Nam
		Yemen

Eastern European Group (22)

Albania	Estonia	Poland
Armenia	Georgia	Romania
Bosnia and Herzegovina	Hungary	Russian Federation
Belarus	Lithuania	Serbia
Bulgaria	Latvia	Slovakia
Croatia	Macedonia	Slovenia
Czech Republic	Moldova	Ukraine
	Montenegro	

Latin American and Caribbean States Group (27)

Antigua and Barbuda	Dominica	Paraguay
Argentina	Grenada	Saint Kitts and Nevis
Bahamas	Guatemala	Saint Lucia
Barbados	Guyana	Saint Vincent and the Grenadines
Belize	Haiti	Suriname
Bolivia	Honduras	Trinidad and Tobago
Brazil	Jamaica	Uruguay
Chile	Mexico	
Costa Rica	Nicaragua	
Cuba	Panama	

Western European and Other States Group (22)

Australia	Greece	New Zealand
Austria	Iceland	Norway
Belgium	Ireland	Portugal
Canada	Italy	Spain
Denmark	Luxembourg	Sweden
Finland	Malta	United Kingdom
France	Monaco	
Germany	Netherlands	

