

INTERNATIONAL SEABED AUTHORITY

Council



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REVISED DRAFT RULES OF PROCEDURE OF
THE LEGAL AND TECHNICAL COMMISSION

Proposed by the Legal and Technical Commission

Introductory note

1. On 28 July 1994, the General Assembly of the United Nations adopted the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (hereafter referred to as "the Agreement"). The Agreement has been provisionally applied since 16 November 1994 and entered into force on 28 July 1996.
2. According to the Agreement, its provisions and Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (hereinafter referred to as "the Convention") are to be interpreted and applied together as a single instrument; the present rules and references in the rules to the Convention are to be interpreted and applied accordingly.
3. The Legal and Technical Commission, established under article 163 of the Convention, shall function in accordance with the provisions of the Convention and the Agreement.

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I. SESSIONS

Rule 1

Frequency of sessions

The Legal and Technical Commission (hereinafter referred to as "the Commission") shall meet as often as required, including in emergency sessions, for the efficient exercise of its functions, taking into account the requirement of cost-effectiveness.

Rule 2

Place of sessions

The Commission shall normally meet at the seat of the Authority. Whenever circumstances warrant or the business of the Commission so requires, the Commission may, in consultation with the Secretary-General, and taking into account section 1, paragraph 2 of the annex to the Agreement, decide to meet elsewhere.

Rule 3

Convening of sessions

Taking into account the provisions of rule 1, the Commission shall be convened at the request of:

- (a) The Council;
- (b) A majority of the members of the Commission;
- (c) The Chairman of the Commission; or
- (d) The Secretary-General.

Rule 4

Notification of the members

The Secretary-General shall notify the members of the Commission and the members of the Authority as early as possible of the date and duration of each session, and shall seek confirmation of their attendance.

Rule 5

Temporary adjournment of session

The Commission may decide to adjourn any session temporarily and resume it at a later date.

Rule 6

Meetings

The meetings of the Commission shall be held in private unless the Commission decides otherwise. The Commission shall take into account the desirability of holding open meetings when issues of general interest to members of the Authority, which do not involve the discussion of confidential information, are being discussed.

II. AGENDA

Rule 7

Communication of the provisional agenda

The provisional agenda for each session of the Commission shall be drawn up by the Secretary-General and communicated to the members of the Commission and the members of the Authority as early as possible but at least thirty days before the opening of the session. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members of the Commission and to the members of the Authority sufficiently in advance of the session.

Rule 8

Drawing up of the provisional agenda

The provisional agenda of each session shall consist of:

- (a) All items proposed by the Council;
- (b) All items proposed by the Commission;
- (c) All items proposed by the Chairman of the Commission;
- (d) All items proposed by any member of the Commission;
- (e) All items proposed by the Secretary-General.

Rule 9

Adoption of the agenda

At the beginning of each session, the Commission shall adopt its agenda for the session on the basis of the provisional agenda. The Commission may, if necessary, amend the agenda at any time during a session.

III. ELECTIONS AND FUNCTIONS

Rule 10

Elections

The members of the Commission shall be elected by the Council in accordance with the Convention and the rules of procedure of the Council.

Rule 11

Conflict of interest

1. Members of the Commission shall have no financial interest in any activity relating to exploration and exploitation in the Area.

2. Before assuming his or her duties, each member of the Commission shall make the following written declaration witnessed by the Secretary-General or his authorized representative:

"I solemnly declare that I will perform my duties as a member of the Legal and Technical Commission, honourably, faithfully, impartially and conscientiously.

"I further solemnly declare and promise that I shall have no financial interest in any activity relating to exploration and exploitation in the Area. Subject to my responsibilities to the Legal and Technical Commission, I shall not disclose, even after the termination of my functions, any industrial secret, proprietary data which are transferred to the Authority in accordance with the Convention and the Agreement, or any other confidential information coming to my knowledge by reason of my duties for the Authority.

"I shall disclose to the Secretary-General and to the Commission any interest in any matter under discussion before the Commission which might constitute a conflict of interest or which might be incompatible with the requirements of integrity and impartiality expected of a member of the Commission and I shall refrain from participating in the work of the Commission in relation to such matter."

Rule 12

Confidentiality

1. Subject to their responsibilities to the Commission, members of the Commission shall not disclose, even after the termination of their functions, any industrial secret, proprietary data which are transferred to the Authority in accordance with annex III, article 14, of the Convention, or any other confidential information coming to their knowledge by reason of their duties for the Authority.

2. The Commission shall recommend to the Council, for approval, procedures on the handling of confidential data and information coming to the knowledge of members of the Commission by reason of their duties for the Commission. Such procedures shall be based upon the relevant provisions of the Convention, the rules, regulations and procedures of the Authority and the procedures established by the Secretary-General pursuant thereto in order to carry out his responsibility to maintain the confidentiality of such data and information.

3. The duty of the members of the Commission not to disclose confidential information constitutes an obligation in respect of that member and shall remain an obligation after the expiration or termination of that member's functions for the Commission.

Rule 13

Enforcement of rules relating to conflict of interest
and confidentiality

1. The Secretary-General shall provide the Commission and the Council with all necessary assistance in enforcing the rules on conflict of interest and confidentiality.

2. In the event of an alleged breach of the obligations relating to conflict of interest and confidentiality by a member of the Commission, the Council may institute appropriate proceedings and shall make known its findings and recommendations.

Rule 14

Exercise of functions

The Commission shall exercise its functions in accordance with these Rules and such guidelines as the Council may adopt from time to time.

Rule 15

Consultations

In the exercise of its functions, the Commission may, where appropriate, consult another commission, any competent organ of the United Nations or of its specialized agencies or any international organizations with competence in the subject-matter of such consultation.

IV. OFFICERS

Rule 16

Election and term of Chairman

1. Each year at the first session, the Commission shall elect a Chairman and a Vice-Chairman from among its members.
2. The Chairman and the Vice-Chairman shall be elected for a term of one year. They shall be eligible for re-election.

Rule 17

Acting Chairman

In the absence of the Chairman, the Vice-Chairman shall take the place of the Chairman. If the Chairman ceases to hold office pursuant to rule 18, the Vice-Chairman shall take his or her place until the election of a new Chairman.

Rule 18

Replacement of the Chairman

If the Chairman ceases to be able to carry out his or her functions or ceases to be a member of the Commission, a new Chairman shall be elected for the remainder of the term.

Rule 19

Functions of the Chairman

1. The Chairman shall preside over the meetings of the Commission as provided for under rule 29 of these Rules.
2. The Chairman, or any other member designated by the Commission, shall represent the Commission in that capacity in the Council and, at the invitation of the Council, shall attend meetings of the Council and respond to questions

when a matter of particular relevance or complexity relating to the work of the Commission is under consideration by the Council.

3. Such attendance shall not preclude the holding of concurrent meetings of the Council and the Commission.

Rule 20

Exercise of the Chairman's functions

The Chairman, in the exercise of his or her functions and powers as provided for under rules 19 and 29, remains under the authority of the Commission.

V. SECRETARIAT

Rule 21

Duties of the Secretary-General

1. The Secretary-General shall act in that capacity in all meetings of the Commission. The Secretary-General may designate a member of the Secretariat to act as his or her representative. The Secretary-General shall perform such other administrative functions as are requested of him or her by the Commission.

2. The Secretary-General shall provide and direct the staff required by the Commission, taking into account to the greatest extent possible the requirements of economy and efficiency, and be responsible for all the arrangements that may be necessary for its meetings.

3. The Secretary-General shall keep the members of the Commission informed of any matter which is dealt with by other organs of the Authority and which may be of interest to the Commission.

4. The Secretary-General shall provide to the Commission, at its request, reports on questions specified by the Commission.

Rule 22

Duties of the Secretariat

The Secretariat shall receive, translate, reproduce and distribute recommendations, reports and other documents of the Commission; interpret speeches made at the meeting; prepare and circulate, if so decided by the Commission in accordance with rule 23, the records of the session; have custody and proper preservation of the documents in the archives of the Commission; and, generally, perform all other administrative functions which the Commission may require.

Rule 23

Records and sound recordings of meetings

1. The Commission may decide to keep summary records of its meetings; but all decisions taken by the Commission shall be duly included in the published records of the Commission. As a general rule they shall be circulated as soon as possible to all members of the Commission, who shall inform the Secretariat within five working days after the circulation of the summary record of any changes they wish to have made.

2. The Secretariat shall make and retain sound recordings of the meetings of the Commission when it so decides.

VI. LANGUAGES

Rule 24

Languages of the Commission

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Commission.

Rule 25

Interpretation

Speeches made in any of the six languages of the Commission shall be interpreted into the other five languages.

Rule 26

Interpretation from a language other than the languages
of the Commission

Any member may make a speech in a language other than the languages of the Commission. In this case, he or she shall himself or herself provide for interpretation into one of the languages of the Commission. Interpretation into the other languages of the Commission by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Rule 27

Languages of recommendations and reports

All recommendations and reports of the Commission shall be published in the languages of the Commission.

VII. CONDUCT OF BUSINESS

Rule 28

Quorum

A majority of the members of the Commission shall constitute a quorum.

Rule 29

Powers of the Chairman

In addition to exercising the powers conferred upon him or her elsewhere in these Rules, the Chairman shall declare the opening and closing of each meeting of the Commission, direct the discussions, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. The Chairman shall rule on points of order and, subject to these Rules, shall have complete control of the proceedings of the Commission and over the maintenance of order at its meetings. The Chairman may, in the course of the discussion of an item, propose to the Commission the limitation of time to be allowed to speakers, the limitation of the number of times each member may speak on any question, the closure of the list of speakers or the closure of the debate. The Chairman may also propose the suspension or the adjournment of the meeting or of the debate on the question under discussion.

Rule 30

Speeches

The Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

Rule 31

Statements by the Secretariat

The Secretary-General, or a member of the Secretariat designated by the Secretary-General as his or her representative, may at any time make either oral or written statements to the Commission concerning any questions under consideration by it.

Rule 32

Points of order

During the discussion of any matter, a member may rise to a point of order, and the point of order shall be immediately decided by the Chairman in

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accordance with the rules of procedure. A member may appeal against the ruling of the Chairman. The appeal shall be immediately put to the vote, and the Chairman's ruling shall stand unless overruled by a majority of the members present and voting. A member rising to a point of order may not speak on the substance of the matter under discussion.

Rule 33

Time limit on speeches

The Commission may limit the time to be allowed to each speaker and the number of times each member may speak on any question. Before a decision is taken, two members may speak in favour of, and two against, a proposal to set such limits. When the debate is limited and a member exceeds his or her allocated time, the Chairman shall call him or her to order without delay.

Rule 34

Closing of list of speakers

During the course of a debate, the Chairman may announce the list of speakers and, with the consent of the Commission, declare the list closed. The Chairman may, however, accord the right of reply to any member if a speech delivered after he or she has declared the list closed makes this desirable.

Rule 35

Adjournment of debate

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two members may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The Chairman may limit the time to be allowed to speakers under this rule.

Rule 36

Closure of debate

A member may at any time move the closure of the debate on the question under discussion, whether or not any other member has signified his wish to speak. Permission to speak on the motion shall be accorded only to two members opposing the closure, after which the motion shall be immediately put to the vote. If the Commission is in favour of the closure, the Chairman shall declare the closure of the debate. The Chairman may limit the time to be allowed to members under this rule.

Rule 37

Suspension or adjournment of the meeting

During the discussion of any matter, a member may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The Chairman may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

Rule 38

Order of procedural motions

Subject to rule 32, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) To close the debate on the item under discussion.

Rule 39

Proposals and amendments

Proposals and amendments shall normally be submitted in writing to the Secretary-General, who shall circulate copies to the members of the Commission. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Commission unless copies of it have been circulated to all members not later than twenty-four hours before the meeting. The Chairman may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day.

Rule 40

Decision on competence

Subject to rule 38, any motion calling for a decision on the competence of the Commission to adopt a proposal submitted to it shall be put to the vote before a decision is taken on the proposal in question.

Rule 41

Withdrawal of proposals and motions

A proposal or a motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any member.

Rule 42

Reconsideration of proposals

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting unless the Commission, by a majority of the members present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

VIII. DECISION-MAKING

Rule 43

Voting rights

Each member of the Commission shall have one vote.

Rule 44

Decision-making by consensus and voting

1. As a general rule, decision-making in the Commission should be by consensus.
2. If all efforts to reach a decision by consensus have been exhausted, decisions by voting shall be taken by a majority of members present and voting.
3. For the purpose of this rule, "consensus" means the absence of any formal objection.

Rule 45

Meaning of the phrase "members present and voting"

For the purposes of these Rules, the phrase "members present and voting" means members present at the meeting and casting an affirmative or negative vote. Members who abstain from voting shall be considered as not voting.

Rule 46

Recommendations to the Council

Recommendations to the Council shall, wherever necessary, be accompanied by a summary on the divergences of opinion in the Commission.

Rule 47

Method of voting

1. The Commission shall, in the absence of mechanical means for voting, vote by show of hands, but any member may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the members participating in that session, beginning with the member whose name is drawn by lot by the Chairman. The name of each member shall be called in any roll-call, and the member shall reply "yes" or "no" or "abstention". The result of the voting shall be inserted in the record in the English alphabetical order of the names of the members.

2. When the Commission votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call vote. Any member may request a recorded vote. In the case of a recorded vote, the Commission shall, unless a member requests otherwise, dispense with the procedure of calling out the names of the members; nevertheless, the result of the voting shall be inserted in the record in the same manner as that of a roll-call vote.

Rule 48

Conduct during voting

After the Chairman has announced the beginning of voting, no member shall interrupt the voting, except on a point of order in connection with the actual process of the voting.

Rule 49

Explanation of vote

Members may make brief statements consisting solely of explanations of their votes before the voting has commenced or after the voting has been completed. The member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Rule 50

Division of proposals and amendments

A member may move that parts of a proposal or of an amendment should be voted upon separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendments which are approved shall then be put to the vote as a whole. If all operative parts of the proposal or of the amendments have been rejected, the proposal or the amendments shall be considered to have been rejected as a whole.

Rule 51

Order of voting on amendments

When an amendment is moved to a proposal, the amendment shall be voted upon first. When two or more amendments are moved to a proposal, the Commission shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.

Rule 52

Order of voting on proposals

If two or more proposals relate to the same question, the Commission shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Commission may, after each vote on a proposal, decide whether to vote on the next proposal.

IX. PARTICIPATION BY NON-MEMBERS OF THE COMMISSION

Rule 53

Participation by members of the Authority and entities
carrying out activities in the Area

1. Any member of the Authority may, with the permission of the Commission, send a representative to attend a meeting of the Commission when a matter particularly affecting such member is under consideration. For the purpose of facilitating the work of the Commission, such representative shall be

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allowed to express his or her views on any such matter being considered by the Commission.

2. The Commission may invite any State or entity carrying out activities in the Area for the purposes of consultation and collaboration, where the Commission considers appropriate.

3. The members of the Commission shall, upon request by any member of the Authority or other party concerned, be accompanied by a representative of such member or other party concerned when carrying out their function of supervision and inspection.

Rule 54

Entry into force

These Rules of Procedure shall enter into force on the date of their approval by the Council.
