



## **PRACTICE IN THE ELECTIONS OF SECRETARY-GENERAL OF THE INTERNATIONAL SEABED AUTHORITY**

Prepared by the Secretariat of the International Seabed Authority

### **Introduction**

1. The present note intends, for information of the members of the Authority, to summarily describe the procedures for the election of the Secretary-General of the International Seabed Authority, based both on the relevant legal provisions and on past practice in the Assembly of the International Seabed Authority followed in the previous competitive elections of the Secretary-General of the International Seabed Authority.

### **Legal Framework**

2. The relevant provisions for the election of the Secretary-General are Article 160 (2) (b) and Article 166 (2) of the United Nations Convention on the Law of the Sea ('the Convention'). Article 160 (2) (b) provides that the Assembly elects the Secretary-General from among the candidates proposed by the Council of the International Seabed Authority.
3. In accordance with article 166, paragraph 2, of the Convention, the Assembly elects the Secretary-General for four years from the list of candidates proposed by the Council to the Assembly. Rule 88 of the Rules of Procedure of the Assembly adds that the Secretary-General may be re-elected.
4. Pursuant to Rule 72 of the Rules of Procedure of the Assembly, all elections are held by secret ballot.
5. Notwithstanding the reference to a voting process, the general rule of decision-making in the Authority by consensus (rule 61 (1) RoP) stands. It is important to underline that for the most part of its 30-year existence, the Authority had sought, observed and utilized consensus as the best way to arrive at a decision.
6. When the list of proposed candidates from the Council contains more than a single candidate, and for purposes of facilitating the achievement of consensus, previous Presidents of the Assembly had proposed that an informal indicative vote would be carried out with the agreement of the candidates for the election, and after consultations with delegations.

### **Indicative Vote**

7. The practice of the Assembly has been to hold an indicative vote in an informal meeting, to allow the candidates to determine the level of support for their respective candidacies. This has facilitated the candidates with insufficient support to make a decision to withdraw from consideration for election, allowing the Assembly to proceed to elect a single candidate by consensus at a formal meeting.
8. The practice of the Assembly was established for the first election in 1996 by President Djalal from Indonesia, who adjourned the meeting to allow the informal indicative vote to



take place (ISBA/A/L.9). The election was then made by acclamation at a formal meeting, following withdrawal of other candidates. The same practice was applied in 2016 for the second competitive election by President Alam from Bangladesh (ISBA/22/A/15). At the election in 2004, under the Presidency of Dennis Francis (Trinidad and Tobago) an indicative vote took place, but the result of that vote was recorded in the statement of the President of the Assembly.

9. The modalities for an indicative vote are identical to the modalities for a formal vote. As mentioned, pursuant to Rule 72 of the Rules of Procedure of the Assembly, all elections are held by secret ballot.
10. The entire voting process is supervised by tellers. Tellers are nominated by regional groups to observe the conduct of the election process. Each group elects one teller. Members who have put forward a candidate for election do not participate as tellers for that election. Delegations with only one member or that are given proxy voting should not be tellers, as those who vote shall remain at their seat during the entire process. Members of the Bureau can communicate the name to the tellers of each regional group to the President and/or to [assembly@isa.org.jm](mailto:assembly@isa.org.jm).
11. There will be a single ballot that will list the names of the candidates communicated in the decision of the Council to the Assembly proposing candidates for the election of the Secretary-General. **The selected option shall be marked with an 'X' (crux) inside the box besides the name of the preferred candidate.**
12. Ballots are distributed by conference officers, accompanied by tellers, to accredited representative seated behind the name plate of the Member State, and to authorised accredited representatives seated behind the name plate of the Member States she/he is representing in case of proxy voting. **All delegates must remain seated while the election takes place.**
13. The tellers will confirm at the start of the process that the ballot boxes are empty. Ballot papers are collected in the ballot boxes by conference officers under the scrutiny of the tellers. After collecting the boxes with ballots, the President of Assembly, the tellers and the designed members of the Secretariat (the Secretary of the Assembly and the Legal Counsel) gather at the office of the President in a closed meeting and proceed to count the votes.
14. Counting is made by the President, supported by the Secretariat, and is observed by tellers who are held accountable for the confidentiality of the counting.
15. Invalid ballots are deemed to be abstentions (blank or empty votes) pursuant to rule 63, paragraph 1, of the Rules of Procedure of the Assembly.
16. The President of the Assembly, in the presence of the tellers, inform each of the candidates separately of the results by calling them in turn to the room at the back of the podium. In 1996 and 2016, the results of the indicative vote were not formally announced or recorded in the reports of the meeting. The result was recorded in 2004, but the record does not make it clear why this was done.
17. Following the indicative vote, the candidate with the lowest level of support has withdrawn, leaving only one candidate on the list to be elected by consensus once the Assembly reconvenes in a formal meeting.



18. This has been the practice followed in previous elections. It remains a decision of the Assembly to prefer to go for a formal voting (in which case, the same procedure is applied but the final count is announced to the Assembly).

### **Information on proxy voting**

19. There is no express rule on the matter in the legal framework of the International Seabed Authority. The established practice of proxy voting by the Assembly of the International Seabed Authority is modelled on the established practice at the UN General Assembly (which does not have a formal rule either).

20. A proxy vote refers to the practice whereby the representative of one member State is authorized to act as the representative of another member State for the duration of a specific meeting and for a particular purpose, including voting under specific agenda items or on specific proposals, **provided that the representative in question does not simultaneously represent two Member States**. This limitation is twofold:

- a) a delegate should be chosen for proxy voting that will not represent the State to which she/he belongs during voting under a specific agenda item or on specific proposals;
- b) Such delegate should be chosen for proxy voting that will only represent one state. A representative may act as a proxy for only one other State.

21. A delegation can be bestowed with more than a proxy voting, provided that each one is given to a different and identified accredited member and that such a delegate will not be the representative of its own state for the specific agenda item or specific proposal.

22. Although the Rules of Procedure of the Assembly do not make provision for the appointment of proxies, the practice of proxy representation is well established in the Assembly.

23. In the context of the twenty-ninth session of the Assembly, Member States of the Authority, including those that do not have a Permanent Mission to the International Seabed Authority and those that will not be in a position to participate in meetings of the Assembly, have the possibility to designate a representative from another Member State to cast the vote on a matter put for voting by the President of the Assembly.

24. In authorizing a representative from another Member State to vote on its behalf, a Member State must submit a note verbale to the Secretariat (the “proxy voting document”), issued under the official letterhead of the authorizing Member State and signed, usually indicating the following:

- i) The **name of the delegate** who will be voting on behalf of that Member State;
- ii) The Member State to which delegation he or she usually belongs;
- iii) An express reference to the authorization that he or she may vote on behalf of the Member State;
- iv) The specific meeting(s) at which he or she will be voting;
- v) The specific agenda item(s), independently of the final number attributed to it, under which he or she will be voting (if the State wishes to limit the scope of the voting to specific agenda items); and



vi) If relevant, the draft resolution(s) on which he or she will be voting.

25. Regarding v) and/or vi) the note verbale does not require to express the voting intentions or preferences; moreover, if the matter to be put for voting are elections, it is recalled that according to Rule 72, the votes are secret.
26. One caveat to point out is that it is only **an accredited delegate** from a Member State that can act/vote on behalf of another Member State.
27. When the voting process starts, ballot papers are distributed to the accredited representative seating behind her/his country name plate and **representatives are required to remain seated during the voting process**. The representatives who are **accredited to vote by proxy must sit in the seat reserved for the country they represent** for those purposes. Hence, a delegate with a proxy vote must be a different individual than the representative who votes for her/his own country.
28. The individual so authorized must be named on the credentials of the member State delegation to which he or she usually belongs. Such identification will be checked by the conference officers when distributing the ballots in each seat.
29. A duly authorized proxy representative is counted towards the required quorum of any meeting at which he or she is so authorized.

*Submission of proxy voting documents*

30. The proxy voting document like all credentials shall be sent to the Secretary-General, via email to [protocol@isa.org.jm](mailto:protocol@isa.org.jm). For organizational purposes, delegations are kindly requested to submit legibly scanned copies of their proxy voting documents as soon as possible prior to the opening of the session (preferably not less than forty-eight hours before the opening of the session) and not later than twenty-four hours after the opening of the session of the Assembly<sup>1</sup> and **in no case after the adoption by the Assembly of the decision relating to credentials of representatives at the session in question**.
31. **Credentials and proxy voting documents will be examined by the Credentials Committee**. The Assembly will adopt a decision on the credentials of representatives at the twenty-ninth session, prior to any vote.
32. Provisions on submission of credentials apply to proxy voting documents.

Kingston, 2 August 2024

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ANNEX

Draft note verbale for proxy voting

XX/2024

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<sup>1</sup> For the purposes of the Report of the Credentials Committee



*The Permanent Mission of XX to XX presents its compliments to the Secretariat of the International Seabed Authority and wishes to inform that it hereby authorizes Mr./Ms. XX, member of the delegation of XX, to vote on behalf of the delegation of XX [under agenda item XX or title of the item] to be conducted during the upcoming twenty-ninth session of the Assembly on 29 July-2 August 2024.*

*The Permanent Mission of XX to XX avails itself of this opportunity to renew to the Secretariat of the International Seabed Authority the assurances of its highest consideration.*

*Date*