

United Nations  Nations Unies

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REFERENCE: MSP/31RES/ELECT/CLCS

The Secretary-General of the United Nations presents his compliments to the representatives of States Parties to the United Nations Convention on the Law of the Sea (the “Convention”) and has the honour to communicate the following:

New vacancy in the Commission on the Limits of the Continental Shelf

On 23 July 2021, the Secretariat received a note verbale from the Permanent Mission of Brazil to the United Nations, which informed the Secretariat of the death of Mr. Jair Alberto Ribas Marques, member of the Commission nominated by Brazil.

Pursuant to rule 72 (*By-elections*) of the rules of procedure for Meetings of States Parties ([SPLOS/2/Rev.5](#)), “[i]f the office of a member of the Commission becomes vacant, the Meeting of States Parties shall, in accordance with rule 71 [*Elections of the members of the Commission*], elect a member for the remainder of the predecessor’s term.”

It is therefore necessary to resume the thirty-first Meeting of States Parties to hold a by-election to elect a member for the remainder of the term of Mr. Marques. It is recalled that pursuant to the *Arrangement for the allocation of seats on the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf* approved by the nineteenth Meeting of States Parties on 26 June 2009 (SPLOS/201), Mr. Marques occupied a seat allocated to the Group of Latin American and Caribbean States.

In addition, it is recalled that one seat allocated to the Group of Eastern European States still remains to be filled. In June 2021, the thirty-first Meeting of States Parties decided that, if the Group of Eastern European States informed the President of the Meeting by 17 September 2021 that candidate(s) for the vacant seat had been identified, a new call for nominations would be circulated by the Secretary-General. The Secretary-General notes that no such information was received by the date of this notification.

Date of the resumed thirty-first Meeting of States Parties

Pursuant to article 2, paragraph 3, of annex II to the Convention, “[e]lections of the members of the Commission shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters.” States parties will be notified in due course about the date of the resumed thirty-first Meeting.

Call for nominations

Pursuant to article 2, paragraph 2, of annex II to the Convention, “[a]t least three months before the date of each election, the Secretary-General of the United Nations

shall address a letter to the States Parties, inviting the submission of nominations, after appropriate regional consultations, within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated and shall submit it to all the States Parties.”

The Secretary-General hereby invites States Parties to the Convention to submit nominations with respect to one vacant seat allocated to the Group of Latin American and Caribbean States.

Pursuant to article 2, paragraph 1, of annex II to the Convention, members of the Commission “shall be experts in the field of geology, geophysics or hydrography, elected by States Parties to [the] Convention from among their nationals, having due regard to the need to ensure equitable geographical representation, who shall serve in their personal capacities”.

States parties are encouraged to give due regard to the desirability of redressing the gender imbalance in the Commission and consider nominating female experts.

Procedure of nomination

The period for the nomination of candidates for election of members of the Commission will open on 12 August 2021 and will close on 11 November 2021 at midnight (EST time).

Nominations made before 12 August 2021 or after 11 November 2021 cannot be accepted. Following the end of the nomination period, the Secretary-General will prepare, in alphabetical order, a list of all the persons thus nominated. The list will then be submitted to all the States Parties.

Nominations must indicate the name of the candidate and be accompanied by a statement of qualifications. In this connection it is recalled that pursuant to article 2, paragraph 1, of annex II to the Convention, members of the Commission shall be experts in the fields of geology, geophysics or hydrography. The statement of qualifications should not exceed 400 words, however the nominating State may additionally submit a full *curriculum vitae* for publication on the web site of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs. Nominations must be addressed to:

The Secretary-General of the United Nations
 c/o Division for Ocean Affairs and the Law of the Sea
 Office of Legal Affairs
 United Nations DC2-0450
 New York, NY 10017
 fax: (+1-917) 367-0560

The statement of qualifications of the candidate should also be transmitted electronically in MS Word format to: doalos@un.org.

Expenses of members while in performance of Commission duties – an undertaking by nominating States

Pursuant to article 2, paragraph 5, of annex II to the Convention, “the State Party which submitted the nomination of a member of the Commission shall defray the expenses of that member while in performance of Commission duties”.

The twenty-sixth Meeting of States Parties “urged States parties that would nominate candidates for future elections of members of the Commission to formally undertake to support their candidates in accordance with article 2, paragraph 5, of annex II to the Convention. [...] Such an undertaking could be provided in the form of a note verbale that would accompany the nomination of a candidate to the Commission and would be brought to the attention of the Meeting of States Parties at the time of the election of the members of the Commission” (SPLOS/303, paragraph 79).

Moreover, the twenty-sixth Meeting of States Parties appealed to States “to ensure the full participation of the members of the Commission nominated by them in the work of the Commission, including by not scheduling conflicting activities for those members during the sessions of the Commission” (SPLOS/303, paragraph 80).

In this regard, States Parties’ attention is drawn to the fact that, at its forty-fourth session, the Commission decided that, during its term of office, which pursuant to the decision of the thirty-first Meeting of States Parties ([SPLOS/31/10](#)) has now been extended to 15 June 2023, it would continue to meet for a total of 21 weeks per year.

Developing States whose candidates were elected to the Commission can request and receive financial assistance from the *Voluntary Trust Fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission* established by General Assembly resolution 55/7, subject to availability of funds in that Trust Fund.

 
9 August 2021