

2 December 2020

Rear Admiral (Retd.) Md. Khurshed Alam
President of the Council
International Seabed Authority

Via email to khurshed.alam@mofa.gov.bd and sec.mau@mofa.gov.bd

Dear Rear Admiral Alam,

We write on behalf of the Deep Sea Conservation Coalition, a global network of non-governmental organizations, and an active non-governmental observer to the International Seabed Authority (ISA).

Firstly, we would like to congratulate you on your appointment as President of the Council in these challenging times. We recall your recent presidency of the Assembly and your long-standing attendance of ISA sessions and lead of the Bangladesh delegation to the Council. We are pleased the stewardship of the Council's remaining business for 2020 is in such experienced and capable hands.

Secondly, we wanted to bring to your attention our recent correspondence with the Secretariat about our accreditation as an observer to the 26th session. Given the uncertainty surrounding the Authority's plans to continue work during this session, we were anxious to ensure that we had secured all necessary accreditation to continue participating as observers in the Authority's deliberations during this session, including as its work moved forward under the silence procedure. In light of the response provided by the Secretariat on 13 November, we understand that no further action is required to confirm our ongoing observer accreditation at this time.

We do appreciate that silence procedures are posted on [Process for taking decision during the second part of the 26th session of the Council website](#), and supplemented by the website for the [26th Session of the Council](#). We also wish to extend to you, as Council President, our request, to the former President of the Council, Dr Kathy-Ann Brown. likewise made to the current President of the Assembly Ambassador Denys Wibaux, that Observers be notified of all deliberations taking place in the 26th session of the ISA including those to be taken under the silence procedure. We note that Dr Brown kindly stated that 'I have brought your letter to the attention of the Secretariat, and requested that your concerns be taken into account in the treatment of any substantive matters, should these be dealt with under the silence procedure'.

This should include prior notice of prospective decisions, and any correspondence-based marginal discussion in which Observers and non-Council Member States might usefully participate.

In that connection, we note that your [letter of 10 November](#) includes a draft decision of the Council for approval of a Plan of Work for exploration of polymetallic nodules by Blue Minerals Jamaica Ltd, with a silence deadline of 10 December. We hold some reservations as to whether this item is appropriate for determination under the silence procedure. We note that the silence procedure is a special process that is to be used sparingly, specifically for matters of a procedural and urgent nature that are necessary to ensure that the essential work of the Authority is not disrupted. It is not intended to cover substantive matters that are usually open for debate in open meetings or for non-pressing matters that can be deferred to a point in time when an in-person Council meeting is possible.

Should the Council still decide to consider this draft decision under the silence procedure, will there be an opportunity for comments by Observers to be made on this matter, and on any further substantive matters?

Yours sincerely,



Sian Owen
Global Coordinator
Deep Sea Conservation Coalition

cc: Correspondence with Secretariat relating to accreditation
Letter to Dr Kathy-Ann Brown of 22 September 2020
Letter from Dr Kathy-Ann Brown of 24 September 2020
Letter to Assembly President of 2 December 2020