

24 November 2020

**To:** Ambassador Denys Wibaux  
President of the Assembly  
International Seabed Authority

Dear Ambassador Wibaux,

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

Firstly, we would like to congratulate you on your appointment as President of the Assembly in these challenging times.

We also 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 information about agenda items and silence procedures are being posted on the Authority's website for its [Process for taking decisions during the 26th session of the Assembly](#), and supplemented by the website for the [26th Session of the Assembly](#). We also wanted to extend to you as Assembly President our request, also made to the former Acting President of the Council, Dr Kathy-Ann Brown, and also now made to the current President of the Council, Rear Admiral (Retd.) Md. Khurshed Alam, 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 an opportunity to observe sight of any correspondence-based marginal discussion in which non-Council Member States and Observers might usefully participate. For instance, we are informed from the Assembly's provisional agenda (ISBA/26/A/L.1) that the Assembly will consider two reports from the

Secretary General under the silence procedure, namely the Annual Report of the Secretary-General (provisional agenda item 9) and the Report of the Secretary-General on the contribution of the Authority to the UN Decade of Ocean Science for Sustainable Development (provisional agenda item 12). We believe that the Assembly will stand to benefit tremendously if Observers were welcomed to participate in these deliberations and invited to provide written comments.

Finally, we note that the provisional agenda items of the Assembly (ISBA/26/A/L.1) include three items that involve elections, namely, provisional agenda item 7 (election to fill a vacancy on the Finance Committee), provisional agenda item 17 (election of the Secretary-General) and provisional agenda item 18 (election to fill vacancies on the Council). We further note that all three items will be considered by the Assembly under the silence procedure. While we do not foresee an immediate problem with provisional agenda item 7, we wish to query how provisional agenda items 17 and 18 would be dealt with under the silence procedure, particularly if there are more nominations than the position or seats that are available. In other words, how would voting procedures (whether informally or formally) take place in such an event?

Many thanks in advance for your kind attention to these matters, and on behalf of our 90 member organisations world-wide, we wish you all the very best in your presidency over the Assembly this session.

Yours sincerely,

Sian Owen  
Global Coordinator  
Deep Sea Conservation Coalition

cc: Correspondence with Secretariat relating to accreditation  
Letter to Dr Kathy-Ann Brown, 20 September 2020  
Letter from Dr Kathy-Ann Brown of 24 September 2020  
Letter to Council President 24 November 2020