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5 June 2020

Mr Michael Lodge
Secretary-General
International Seabed Authority
Kingston, Jamaica

Dear Mr Lodge,

We received the invitation on 2 June 2020 to attend one of three webinars scheduled for the week of 8 June. We understand that they are being held with a view to providing information on the preparation of the [comparative study](#)¹ of the financial aspects of seabed mining and land-based mining.

We are concerned that holding three separate webinars, all on the same topic, for States, Contractors and Observers, will not achieve the requirements of transparency, and particularly public participation, required by the Aarhus Convention² and its Almaty Guidelines,³ which is incorporated in the CCZ Environmental Management Plan⁴. Further, unless Observers are permitted to observe the Member State webinar, it is not consistent with Rule 75 of the ISA Council Rules of Procedure under which Observers may designate representatives to participate in the deliberations of the Council. While the webinars are not deliberations of the Council, they are intended to inform those deliberations.

Excluding observers from discussions by Member States and other States which will directly provide information on the preparation of the study requested by Council is not conducive to transparency. The Almaty Guidelines note that:⁵

Participation of the public concerned in the meetings of international forums, including their subsidiary bodies **and other groups established by the forums to contribute to the decision-making**, in matters relating to the environment should be allowed at all relevant stages of the decision-making process, unless there is a reasonable basis to exclude such participation according to transparent and clearly stated standards that are made available, if possible, in advance. (emphasis added)

We have registered delegates (after initial difficulties due to a broken link) to the Observer webinar on 11 June. In light of the above considerations, we request that Observers also be permitted to observe the third Webinar, for Members of the Council and any other ISA member not represented on the Council.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Sian Owen".

Sian Owen
Coordinator

Cc: Ms. Gwenaëlle Le Gurun, Legal Officer. glegurun@isa.org.jm

¹ ISBA/26/C/8. Report of the Chair on the outcome of the third meeting of the open-ended working group of the Council in respect of the development and negotiation of the financial terms of a contract under article 13, paragraph 1, of annex III to the United Nations Convention on the Law of the Sea and section 8 of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. 17 February 2020. At <https://www.isa.org/jm/document/isba26c8>.

² Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. Signed at Aarhus on 25 June 1998. Entered into force 30 October 2001. At <https://www.unece.org/env/pp/introduction.html>.

³ Almaty Guidelines on promoting the application of the principles of the Aarhus Convention in international forums. ECE/MP.PP/2005/2/Add.5 20 June 2005. (“Almaty Guidelines”). At <https://www.unece.org/fileadmin/DAM/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.5.e.pdf>

⁴ ISBA/18/C/22. Decision of the Council relating to an environmental management plan for the Clarion-Clipperton Zone. C. Guiding Principles

(f) Transparency

The Authority shall enable public participation in environmental decision-making procedures in accordance with the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 1998, and its own rules and procedures. At <https://www.isa.org/jm/documents/isba18c22>.

⁵ Almaty Guidelines, para. 29.