



President of the Council of  
the International Seabed Authority

22 March 2021

Excellencies,

I wish to refer to my letters dated 20 and 23 October 2020 as they relate to item 6 on the agenda of the Council of the International Seabed Authority for the twenty-sixth session (Issues relating to the election in 2021 of members of the Legal and Technical Commission) and to the Decision of 23 October 2020 by the Council of the International Seabed Authority concerning the organization of work of the Council for the second part of the twenty-sixth session of the Council as well as to my joint letter dated 22 January 2021 with the President of the Assembly of the International Seabed Authority as they relate to item 6 on the agenda of the Council of the International Seabed Authority for the twenty-sixth session (Issues relating to the election in 2021 of members of the Legal and Technical Commission).

As mentioned in my letter dated 20 October 2020, I have held consultations with Mr. Vladislav Kurbatskiy, the Facilitator of the informal working group who was appointed by the Council in February 2020 (ISBA/26/C/9, annex) to lead the ongoing negotiations on the establishment of a mechanism for elections of the membership of the Legal and Technical Commission, and with the Bureau on how best to advance on this matter.

On the basis of those exchanges of views, it appears to me that the negotiations led by the Facilitator have reached a stage where they could not reasonably be expected to make further progress without the benefit of face-to-face discussion at the next physical meetings of the Council.

In this context and following the recent Decision of the Assembly of the International Seabed Authority relating to the election to fill the vacancies on the Council of the Authority in accordance with article 161, paragraph 3, of the United Nations Convention on the Law of the Sea (see ISBA/26/A/20), I wish to propose as a way forward and as an exceptional measure that the current term of members of the Legal and Technical Commission which will expire on 31 December 2021 be extended by one year in order to enable the Council to conclude its ongoing negotiations at its next face-to-face meetings. The enclosed background note provides more details on this proposal which has already been used on an exceptional basis and under the same

COVID-19 pandemic circumstances in the context of the term of office of members of the International Law Commission.

For that purpose, I wish to submit for adoption under the silence procedure the annexed Draft decision of the Council of the International Seabed Authority concerning the extension of the term of office of the current members of the Legal and Technical Commission and other related matters, as contained in the document ISBA/26/C/CRP.5.

The draft decision will be deemed adopted by the Council if no objections are received by 5 pm Jamaica time on 25 March 2021. Objections to the draft decision should be done in a letter or a note verbale addressed to the President of the Council. Such correspondence should be sent in an email to [Council2020@isa.org.jm](mailto:Council2020@isa.org.jm) (cc: [ola@isa.org.jm](mailto:ola@isa.org.jm)).

I will convey the outcome of the silence procedure concerning the Draft decision of the Council of the International Seabed Authority concerning the extension of the term of office of the current members of the Legal and Technical Commission and other related matters by a letter addressed to the Members of the Council.

Please accept, Excellencies, the assurances of my highest consideration.



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

Enclosure: Background note concerning the extension of the term of office of the current members of the Legal and Technical Commission and other related matters