



INTERNATIONAL SEABED AUTHORITY

ISA/EOSG/2020/126

The Secretary-General of the International Seabed Authority presents his compliments to the members of the Council of the Authority and has the honour to refer to the Note Verbale ISA/EOSG/2020/125 of 2 September 2020 informing on the postponement of the face-to-face meetings of the Authority.

The Secretary-General has further the honour to inform the members of the Council that after consulting the bureau, the Acting President of the Council has requested that the attached letter dated 2 September 2020 regarding the launch of a process for taking decisions during the second part of the twenty-sixth session of the Council, including its resumption, be communicated to the members of the Council.

The Secretary-General of the Authority kindly invites members of the Council to acknowledge receipt of this Note Verbale by return of email to secretary-general@isa.org.jm

The Secretary-General of the Authority avails himself of this opportunity to renew to the members of the Council of the Authority the assurances of his highest consideration.

3 September 2020



To: All Members of the Council of the International Seabed Authority

Letter from the Acting President of the Council for the twenty-sixth session of the International Seabed Authority

2 September 2020

Excellencies,

In my capacity as Acting President of the twenty-sixth session of the Council of the International Seabed Authority, I wish to update you on the preparations for the meetings of the second part of the twenty-sixth session of the Council.

Members of the Council of the International Seabed Authority may recall that the second part of the twenty-sixth session of the Council has been rescheduled to October 2020 in a reduced format (two days and a half), provided that appropriate international travel arrangements may be made for delegates in light of the prevailing conditions relating to the COVID-19 pandemic. All pre-session documentation for the Council that would have been examined in July 2020 have been made available on the Authority's website in accordance with the established timelines.

Regrettably, in view of the recent developments concerning the pandemic situation in many parts of the world and after assessing the risk factors involved in view of the relevant World Health Organization guidelines, it is my position and that of other members of the Bureau, that the face-to face meetings of the second part of the twenty-sixth session will need to be further postponed to a date to be established taking into account global developments.

In this connection and following consultations within the Bureau, I am therefore proposing that we advance the process and resume the second part of the twenty-sixth session of the Council by a letter from the Acting President addressed to all members of the Council.

Accordingly, an early resuming of the twenty-sixth session would allow the members of the Council to take certain decisions of a procedural nature that are usually addressed without a debate namely the election of the President and the organization of work on the basis of the indicative programme of work, following the completion of the silence procedure, as outlined below and inspired from the recent practice developed by the thirtieth Meeting of States Parties to the United Nations Convention on the Law of the Sea for taking decisions during the pandemic ('hereinafter 30 SPLOS').

This would thus enable the President of the Council for the twenty-sixth session to conduct consultations with a view to giving priority to the most urgent and time sensitive items on the agenda of the session requiring decisions before the end of the year, ahead of the anticipated face-to-face meetings to be scheduled.

In the light of the foregoing, I propose that:

1. Until the start of the face-to-face meetings, the members of the Council will take decisions of a procedural nature through a silence procedure, similar to that contained in decision 30/1

of 30 SPLOS.¹ These decisions would concern, in particular, the election of the President of the Council for the twenty-sixth session and the organization of work. Moreover, the silence procedure would not amount to an amendment to the relevant rules of procedure for the Council, but would be a pragmatic mechanism to adopt decisions by consensus, modelled after that contained in decision 30/1 of 30 SPLOS. The second part of the twenty-sixth session of the Council would take note of all decisions adopted by silence procedure at its first face-to face meeting.

2. On 14 September 2020, the Secretariat will circulate a communication to: (i) inform the members of the Council that the twenty-sixth session will resume on 21 September 2020; and (ii) provide relevant details. As to the submission of credentials, delegations who have submitted credentials only for the first part of the twenty-sixth session of the Council could submit credentials for the second part of the twenty-sixth session by way of a scanned copy of a note verbale, pending the submission of formal credentials either by the Head of State of Government, by the Ministry of Foreign Affairs or person authorized by him or her. Those delegations which have already submitted formal credentials for the entire twenty-sixth session of the Authority are not required to submit them again.

3. On 21 September 2020, I will circulate a letter to: (i) declare the resumption of the second part of the twenty-sixth session, (ii) table a draft decision that would enable the Council to adopt decisions by silence procedure and (iii) propose that the draft decision be deemed adopted if no objections are received by 5 pm Jamaican time on 24 September 2020.

4. If the draft decision is adopted, on 28 September 2020 I will circulate another letter by which I would (i) inform the members of the Council of the nomination of a candidate for the position of President of the twenty-sixth session of the Council and (ii) propose that the nominated candidate be deemed elected as President if no objection is received by 5 pm Jamaican time on 1 October 2020.

It will be up to the newly-elected President of the twenty-sixth session, following consultations with the Bureau and the members of the Council, to then circulate communications addressing the organization of work and other time-sensitive agenda items.

If I hear no objection to the above proposal by 5 pm Jamaican time on 9 September 2020, I will inform the Secretary-General of the International Seabed Authority accordingly, and I will proceed as outlined above.

¹ On 24 July 2020, decision 30/1 was adopted by silence procedure (see for background https://www.un.org/Depts/los/meeting_states_parties/documents/UnNvLettersSpMsp20200724E.pdf; https://www.un.org/Depts/los/meeting_states_parties/documents/UnNvLettersSpMsp20200724F.pdf). The draft which was placed before the silence procedure and became adopted as decision 30/1 is attached to the following note verbale transmitting the letter of 21 July 2020 from the President of the twenty-ninth Meeting of States Parties to the United Nations Convention on the Law of the Sea: https://www.un.org/Depts/los/meeting_states_parties/documents/UNNVandLetterMSP20200721E.pdf; https://www.un.org/Depts/los/meeting_states_parties/documents/UNNVandLetterMSP20200721F.pdf.

Let me seize this opportunity to emphasize that, in order to proceed as suggested above, it is important that the nomination process concerning the President be completed as expeditiously as possible. In this connection, I understand that the Asia-Pacific Group is now in a position to communicate the candidacy by next week.

I will keep you informed of any other relevant developments.

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

Dr. Kathy-Ann Brown

A handwritten signature in black ink, appearing to read "Kathy-Ann Brown". The signature is fluid and cursive, with a long horizontal stroke at the end.

Acting President of the Council for the twenty-sixth session of the Council

[To Members of the Council of the International Seabed Authority]