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4 December 2020

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

Via email: Council2020@isa.org.jm

Excellency,

The Pew Charitable Trusts presents its compliments to you and to the International Seabed Authority (ISA). Allow us also to thank you for the invitation to Observers of the ISA to submit written statements in response to the application by Blue Minerals Jamaica Ltd for the exploration of polymetallic nodules in the Area, reflected in your letter of 27 November 2020. While we are grateful for the opportunity presented, we would like to bring to your kind attention that your letter was not communicated to Observers of the ISA and at the time of writing cannot be accessed on the ISA website. It is therefore likely that many of the intended recipients remain unaware of this important correspondence.

The Pew Charitable Trusts would respectfully like to raise a point of procedure regarding the consideration by the Council of the above-mentioned application. Further to the Acting President's letter of 21 September 2020 and the decision taken therein, draft decisions of the Council under silence procedure were to be undertaken on matters of a procedural nature. Under the extraordinary circumstances presented by the global pandemic, the silence procedure has been utilized by many multilateral bodies, including the UN General Assembly and ECOSOC, as a tool to take essential and time sensitive decisions related to organizational and procedural matters. It was our understanding that the ISA shared a similar view and matters would be conducted correspondingly. We are therefore concerned to note that an agenda item as substantive and important as an application for a plan of work is to be addressed in this fashion. Approving a contract via the silence procedure seemingly marks the Council's critical role in approving the ISA's contracts as a mere formality and undermines the ability of Member States to exercise oversight. We urge you to reconsider this approach.

Further, your letter indicated that a decision will be circulated to Members of the Council on the approval for the plan of work on 7 December 2020. Both the timeframe provided for comments (30 November to 4 December) and the decision to be taken soon thereafter, are quite brief. Particularly given the unique circumstances, no doubt many Observers and Member States would benefit from more time for review. It would also seem helpful to provide the Authority with more time to consider the comments received.

I thank you again for the opportunity to comment and for your kind consideration of this important matter.

With highest regards,

A handwritten signature in blue ink, appearing to read "Andrew Friedman", with a long horizontal flourish extending to the right.

Andrew Friedman
Seabed Mining Project
The Pew Charitable Trusts