



## Council

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### Twenty-sixth session

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Kingston, 19–23 July 2021\*

Agenda item 12

### Draft regulations for exploitation of mineral resources in the Area

#### **Letter dated 30 June 2021 from the President of the Council of the International Seabed Authority addressed to the members of the Council**

In my capacity as President of the Council of the International Seabed Authority, I am transmitting herewith a note verbale dated 25 June 2021 from the Permanent Mission of the Republic of Nauru addressed to the Secretary-General of the International Seabed Authority (see annex I), attached to which is a letter dated 25 June 2021 from the President of the Republic of Nauru, Lionel Rouwen Aingimea MP, addressed to me; and a note verbale dated 30 June 2021 from the Permanent Mission addressed to the Secretary-General of the Authority (see annex II).

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

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\* New dates of the in-person meetings originally scheduled for July 2020.



**Annex I**

**Note verbale dated 25 June 2021 from the Permanent Mission of Nauru to the International Seabed Authority addressed to the Secretary-General of the Authority**

The Permanent Mission of the Republic of Nauru to the International Seabed Authority has the honour to transmit herewith the letter dated 25 June 2021 from the President of the Republic of Nauru, Lionel Rouwen Aingimea MP, addressed to President of the Council of the International Seabed Authority (see enclosure).

The Permanent Mission of Nauru has the further honour to request that the present note verbale and the letter be brought to the attention of the President of the Council of the Authority at its twenty-sixth session.

## Enclosure

### **Letter dated 25 June 2021 from the President of the Republic of Nauru addressed to the President of the Council of the International Seabed Authority**

I trust that the present letter finds you well during unprecedented times as I write to you in your capacity as the President of the Council of the twenty-sixth session of the International Seabed Authority on behalf of the Government of the Republic of Nauru. By the present letter, I hereby provide notification that Nauru Ocean Resources Inc. (NORI), a Nauruan entity, sponsored by Nauru, intends to apply for approval of a plan of work for exploitation. Accordingly, pursuant to section 1, paragraph 15, of the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, Nauru requests the Council to complete the adoption of rules, regulations, and procedures necessary to facilitate the approval of plans of work for exploitation in the Area within two years of the operative date of this request, which is Wednesday, 30 June 2021.

Nauru recognizes the United Nations Convention on the Law of the Sea as the overarching treaty governing access and use of the ocean and its resources and became a party to it on 23 January 1996. Since then, Nauru has enjoyed the benefits of having a large exclusive economic zone and has exercised its sovereign rights over the resources contained therein, such as the highly migratory tuna stocks that we are successfully managing at sustainable levels under the parties to the Nauru Agreement with several of our neighbours. It is our deep connection with the ocean and our stewardship over the stocks and the large ocean spaces we have that have made this regional cooperation successful and a world recognized example of best management practices of ocean living resources. We are strongly committed to the rule of law in ocean affairs and to the effective implementation of the Convention. Nauru is also actively engaged in the development of an international legally binding instrument under the Convention on the conservation and sustainable use of biological diversity of areas beyond national jurisdiction, which we hope will come to a successful completion in 2022.

A member of the Authority for 25 years, Nauru was the first developing State and the first small island developing State to sponsor an application for approval of a plan of work for exploration in a reserved area of the Clarion Clipperton Zone. The sponsorship of NORI was the main medium through which we, as a sovereign State, were able to realize the vision embedded in the Convention and on the basis of which the Area and the resources it contains would be accessible to developing States, including small island developing States. We are proud of the role we have steadily played in helping to break the historical pattern of large and developed countries benefiting mainly from the use of natural resources, while those of us lacking the resources and technology are being left behind. Our determination to exercise the rights recognized to us under the Convention and to abide by international law requirements are a testament of our leadership role in this matter, and I trust that we will soon be able to reach a critical milestone where all can benefit from the opportunities available.

The depth and breadth of our commitment is reflected in the consistent approach taken by Nauru since we became a member of the Authority. First, through our ongoing contribution to the development of the regulatory framework needed to organize and regulate deep-sea related activities carried out in the Area. Second, through the request for an advisory opinion from the Seabed Disputed Chamber of the International Tribunal for the Law of the Sea in 2011 on the role and responsibilities of sponsoring States. The 2011 opinion has significantly contributed

to furthering the understanding of the international legal framework under which all current and future sponsoring States can operate in compliance with international law. It has also led to the development of Nauru's national legislation, International Seabed Minerals Act, adopted in 2015. The establishment of a National Seabed Minerals Authority under this Act enables Nauru to exercise its effective control over the activities undertaken by our sponsored contractor, NORI. These developments have been made progressively by ensuring dialogue and the engagement of stakeholders, including through community awareness programmes and deep-sea literacy sessions on polymetallic nodules, the role of the Government of Nauru, the Authority and the Contractor in deep-sea activities. A lot has been done but more needs to be done to ensure that we can strengthen our national capacity and fulfil our legitimate sovereign rights to sponsor activities in the Area.

On the development of the draft exploitation code, we note that it has been more than seven years of transparent, inclusive discussions by the international community facilitated and ably led by the Authority, and in light of the most recent progress, we are of the view that the draft exploitation code is nearly complete. It is already a remarkable achievement which testifies to the ongoing efforts of the international community over the last decades to ensure that, for the first time in history, a global regulatory regime prioritizing the protection of the environment through the inclusion of strong legal safeguards and requirements is adopted before an industry proceeds.

With the process nearly complete, the challenges we continue to face as a consequence of the coronavirus disease (COVID-19) pandemic, coupled with the urgency of the climate crisis, we are compelled by the impetus to build forward better by ensuring that polymetallic nodules are part of the solution to the global transition required to secure a clean renewable energy future and towards the creation of a circular economy.

As outlined in the special report of the Intergovernmental Panel on Climate Change, *Global Warming of 1.5°C*, humans can emit no more than 420 gigatonnes (billion metric tons) of carbon dioxide into the atmosphere by 2050 to retain any hope of limiting global warming to 1.5°C. Avoiding the worst impacts of climate change will require reducing emissions by at least 45 per cent by 2030 and reaching net-zero emissions by the midpoint of this century. This is a global imperative, and Nauru supports the efforts of large economies like the United States and the European Union to massively overhaul and decarbonize their energy and transportation systems.

For Pacific island countries like Nauru, climate change poses an existential threat to the well-being, livelihoods and security of our people. Our single island is already heavily impacted by rising seas, and we experience more frequent drought periods in a year; despite our negligible contribution to global carbon emissions, we stand to lose the most. Additionally, our land has been devastated from years of land mining, most of which was done by colonial powers without due consideration for the long-term impacts on our land and its people. As a result, over 80 per cent of our already small island is uninhabitable.

Nauru has experienced careless resource extraction first-hand and the burgeoning adverse impacts of climate change such as sea level rise, saltwater intrusion and drought periods, to name a few. These implications give Nauru a unique insight into the future of our world if mining on land continues to meet the exponential growth in demand for the base metals that will underpin our transition to a renewable energy future and circular economy. We strongly believe that moving to a responsible collection of polymetallic nodules from the seafloor will help to deliver us to a carbon neutral future.

Nauru is committed to working diligently with the Authority, its members and all stakeholders to finalize, negotiate and adopt a world class regulatory regime that allows for the responsible collection of polymetallic nodules while ensuring the protection of the environment. At the same time, Nauru wishes to underline the urgency of concluding this work in order to provide the legal certainty required for this industry to move forward as well as meet the legitimate aspirations of Nauru and other developing States and ensure that the vision of the Convention is realized and fully implemented.

As people of the ocean, our lives are inextricably linked and connected to the Pacific Ocean. It has shaped who we are and, committed as we are to the responsible stewardship of these sacred waters, to where we are headed.

I respectfully request that the present letter be issued as a document of the Council for the twenty-sixth session and be made available in all official languages of the Authority.

(Signed) Lionel Aingimea MP  
President of the Republic of Nauru  
Minister of Foreign Affairs and Trade

## Annex II

### **Note verbale dated 30 June 2021 from the Permanent Mission of Nauru to the International Seabed Authority addressed to the Secretary-General of the Authority**

The Permanent Mission of the Republic of Nauru to the International Seabed Authority has the honour to refer to the note verbale dated 25 June and its accompanying letter addressed to the President of the Council.

The Permanent Mission of Nauru, after consultations with the members of the Authority, had made the decision to defer the effective date of the notification to 9 July 2021, rather than 30 June as originally communicated. The Permanent Mission further requests the Secretary-General of the Authority to so inform the President of the Council of the twenty-sixth session.

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