



Republic of Nauru:

Part I of the 31st Session of the International Seabed Authority

Item 13: Report of the Chair of the Legal and Technical Commission on the work of the Commission at the first part of its thirty-first session

16 March 2026

Thank you for giving me the floor, Mr President.

The Government of Nauru and my delegation were deeply saddened to hear the passing of His Excellency Mr. Juan José González Mijares. Juan was a true gentleman, distinguished diplomat, and scholar. His contribution to the work and governance of this Authority was exemplary. He was also of great support to my delegation, and we will miss his wise counsel. We extend our condolences to his family, friends and colleagues.

Nauru thanks the Chair and members of the Legal and Technical Commission for their report and the addendum contained in documents ISBA/31/C/4 and Add.1. We recognise the Commission's significant workload and appreciate the effort the Commission has taken in discharging its mandate. We have the following comments.

Implementation of training programmes under plans of work for exploration and allocation of training opportunities

First, we take note of the Chair's commentary on the implementation of training programmes and recognise this as a core deliverable under exploration contracts. We value the opportunities offered by contractors, including on-going training commitments by our sponsored entity NORI. In 2026, NORI's training commitments include a 20-day specialised AUV programme for 4 trainees, continued support for existing USP scholars, one remaining Master's scholarship, a new 1.5-year Master's scholarship, and the graduation of its final undergraduate scholar. We welcome a near 50 / 50 gender balance and encourage a continued outreach to improve on the percentage of female applicants. We commend the Commission for their continuing focus on training programme initiatives.

Consideration of annual reports of contractors

Secondly, we appreciate the work the Commission does in evaluating contractor annual reports, which we note are due on 31 March each year. We encourage increased transparency in this area and look forward to receiving the Commission's report on its evaluation of the exploration work carried out by contractors during 2025 at the second part of this 31st Session. We see this work as a fundamental part of our governance and knowledge management processes.

Consideration of applications for extension of contracts

Thirdly, we note the Commission's consideration of contract extension applications and recommendations to approve 6 applications, with 2 pending, including our sponsored entity NORI. We understand that these applications are assessed strictly against the objective criteria and procedures set out in the Council's Decision ISBA/21/C/19 in a uniform and non-discriminatory manner. We further note contractors have cited the continued absence of a regulatory framework for exploitation and the associated legal uncertainty this creates in justifying requests for extension. Additionally, we see that the Commission also transmitted questions, comments and recommendations to the contractors and left the details of the programme of activities to be progressed between the Secretary-General and the contractors.

Nauru poses the following questions to the Chair on this matter:

First, can the Chair confirm that the lack of adopted exploitation regulations played a key factor or consideration in deciding to recommend the approval of the 6 extension applications?

Second, can the Chair explain how the Commission will ensure that the responses from contractors to the questions, comments and recommendations from the Commission will be fully reflected in their programmes of activities in a manner that is satisfactory to the Commission. To us, it appears unusual for the Commission to approve the extension requests before first considering the responses from the contractors to any questions or recommendations. Indeed, once an application for extension is pending, the contract remains in effect until a final recommendation is made so we are curious to know why the Commission considered it was, in our view necessary to rush this process.

Third, for Contractors seeking a second or third extension term, what information did the Commission request from these Contractors to satisfy the Commission that these entities are able and willing to progress to exploitation at the end of their extensions?

We trust the pending applications, including that of NORI, are subject to the same approach and considered on the same basis by the Commission that is, to assess them in accordance with the agreed procedure and criteria under the Council's Decision ISBA/21/C/19. We look forward to receiving the Commission's recommendations.

Development of environmental thresholds

Fourthly, we recognise the work of the intersessional expert group on the development of environmental thresholds. This substantive and technical work will contribute significantly to the delivery of the outcome or result-based approach to the environmental regulation of activities under the exploration regime. We welcome the opportunity to comment on the report during the intersessional period of this thirty-first session.

Development of standards and guidelines for activities in the Area

Fifthly, we further note the Chair's comments on the development of standard and guidelines, and trust that the Council will be in a position this week to provide guidance on next steps and the nature of them to assist the Commission in advancing this critical work.

Development of an election mechanism for the Economic Planning Commission

Lastly, we thank the Commission for their recommendations on an election mechanism for the members of the Economic Planning Commission. The Election mechanisms of the members of the EPC is a key first step to its operationalisation and we look forward to the imminent discussion of this mechanism in Council as proposed in document ISBA/31/C/11.

Report of the Legal and Technical Commission on the implementation of the Council's decision relating to a request of additional information from contractors at risk of non-compliance with their contractual obligations

Mr. President, I now turn to the addendum to the Chair's report reflected in document ISBA/31/C/4/Add.1.

Nauru was surprised, given the scope and nature of the Council's request at paragraph 9 of document ISBA/30/C/19, that three out of four of the Commission's recommendations relate directly to sponsoring State obligations. Nonetheless, we make the following observations.

As a Small Island Developing State (SIDS) and a long-standing, proactive participant in the multilateral regime of this Authority, Nauru has consistently acted as a model Sponsoring State and as a member State to further the principles and requirements under Part XI of UNCLOS.

Nauru reaffirms its unwavering commitment to fulfil all obligations under UNCLOS and the 1994 Implementing Agreement, including those arising in its capacity as the Sponsoring State of NORI. This commitment extends to full cooperation with this Authority and its organs in ensuring that activities in the Area are carried out in accordance with all applicable rules, regulations and procedures.

Nauru takes its sponsorship duties with the utmost seriousness and has established a comprehensive regulatory framework to secure effective control over its sponsored contractor and to ensure full compliance with the ISA regime and UNCLOS. Nauru further wishes to highlight that it remains the only State Party to have enacted a fully integrated and complete legislative package relating to seabed mineral activities specifically designed to ensure that its sponsored contractor meets all obligations arising under UNCLOS. This framework comprises:

- a. **The Nauru Seabed Minerals Authority Act 2024**, which establishes the Nauru Seabed Minerals Authority, sets out its governance, functions and powers, and codifies due diligence obligations, compliance monitoring and sponsorship processes. The 2024 Act builds on the original framework established by the International Seabed Minerals Act 2015.
- b. **The Nauru Seabed Minerals Authority Regulations 2025**, which operationalise the Act, including rigorous qualification criteria for sponsorship, conditions of sponsorship, continuous reporting duties, incident notification requirements, observer powers, and compliance and emergency directions.

The Nauru Seabed Minerals Authority's statutory functions include assessing sponsorship applications; exercising regulatory control over sponsored activities; monitoring compliance; requiring records and real-time operational data; facilitating inspections; and issuing compliance or emergency directions where necessary.

Together, these instruments and tools provide an end-to-end compliance architecture aligned with UNCLOS and the ISA's rules, regulations and procedures and draw heavily on the 2011 SDC Advisory Opinion to which Nauru was instrumental in requesting. This opinion,

referenced by the Commission in the addendum report remains a cornerstone in executing the work we have before us.

We note the Commission's implicit reference to the revised Sponsorship Agreement between Nauru and NORI. We believe this reference may give rise to misunderstanding, and Nauru considers it important to clarify its position to the Council on the matters concerned.

Nauru notes the Commission's recommendation that the Council remind Sponsoring States of their obligations under Article 311(6) of UNCLOS. Nauru fully supports the faithful observance of Article 311(6), which safeguards the basic principle of the common heritage of humankind. Nauru has not entered into any bilateral agreement that derogates from this principle. NORI's exploration contract remains active and in good standing, and Nauru remains fully committed to the multilateral framework at the Authority.

At the same time, Nauru considers it important to recall that the scope of Article 311(6) must be interpreted in accordance with its text, which binds States Parties in respect of agreements between themselves. Article 311(6) should not be understood as attributing to a State Party responsibility for the independent sovereign acts of a non-party acting pursuant to its own domestic legal framework.

Nauru notes the Commission's recommendation that the Council remind all Sponsoring States of their due diligence obligations. Nauru takes these obligations very seriously and has closely followed all requirements of its domestic law and the Authority's rules, regulations and procedures. Within Nauru's regulatory system, NORI operates under a robust sponsorship and compliance framework that includes qualification screening, ongoing reporting, incident notification obligations, observer access, real-time data requirements and directed compliance measures where necessary. Within this framework, NORI has consistently demonstrated full compliance with Nauru's sponsorship requirements and with its contractual and regulatory obligations towards the Authority.

Mr. President, we have the following additional comments and questions relating to matters contained in the addendum report.

We wish to underscore the opacity of the process by which two unnamed contractors were singled out. We would appreciate knowing the identity of those contractors and the basis upon which they have been identified. We further note that the report states that the Commission has requested additional information from (a) 'one already identified contractor

requiring specific attention for potential inadequate performance’ and (b) one contractor falling into a different category as a contractor that ‘may require specific attention to possible non-compliance’. We would be grateful if the Chair could explain what the difference between these two categories is and further assure us that the additional information sought by the Commission was requested before this report was published.

We note here that neither Nauru nor NORI has received any communication from the Secretariat or the Commission requesting additional information and we therefore assume that NORI is not one of these unnamed contractors. We would welcome confirmation of that from the Chair.

Sponsoring States and the Council are entitled to understand the basis upon which contractors are identified for heightened attention. The current lack of clarity is difficult to reconcile with the principle of non-discrimination that the Commission itself invokes in its report. Nauru respectfully submits that greater transparency in such determinations is essential to maintaining confidence in the Authority’s processes.

Mr. President, Nauru wishes to pose two further questions to the Chair of the Commission for the Council’s further clarity and consideration:

First, how was the principle of non-discrimination applied by the Commission? Specifically, if the process was uniformly applied, why does the addendum to the Commission’s report not present, in a neutral format, all 21 respondents and the compliance mechanisms they reported, together with a concise explanation of the Commission’s assessment methodology and the determinative steps followed?

Secondly, what objective selection criteria were used to “*identify*” the two unnamed contractors highlighted in Section I of the addendum? In circumstances where all 21 contractors reported no incidents placing them at risk, Nauru would appreciate the Chair to clarify:

1. What additional materials were before the Commission that led to the focus on these two entities?
2. What standard of review and evidentiary threshold did the Commission apply in determining that further attention was warranted?
3. Did the Commission engage those two unnamed Contractors prior to identifying them?

Concluding remarks

Mr. President,

Nauru would appreciate the Council taking into consideration the matters we raise in this intervention in its deliberations on the LTC Chair's Report.

In conclusion, Nauru supports a rigorous, fair and transparent compliance system that upholds the common heritage of humankind principle while enabling the responsible and effective participation of developing States in activities in the Area. We stand ready to continue our constructive engagement with the Commission and the Council to ensure objective, uniform and non-discriminatory processes that command confidence across all stakeholders.

Thank you, Mr President.