



Republic of Naoero

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

Statement by His Excellency David Aingimea

Agenda Item 21

Monday, 13 July 2026

Thank you for giving me the floor, Mr President.

Good morning colleagues, and a very warm welcome to you all and to our esteemed hosts, the Government and people of Jamaica, from the government and people of the Republic of Naoero. You may have noticed a change in my pronunciation of “Nauru”. As many of you will be aware, in January this year our Parliament voted unanimously to change our country’s name to Naoero. This change, in the words of our President, His Excellency David Adeang seeks to more faithfully honour our nation’s heritage, our language, and our identity. We believe it will play an important role toward the revitalisation of our language and culture.

Before turning to Agenda item 21, I want to thank in advance the Secretary-General and her team for the timely production and distribution of the revised consolidated text and the unwavering commitment of the informal working groups and Friends of the President initiatives in advancing our work so diligently.

Mr. President,

In respect of Agenda Item 21 I have the following observations on document ISBA/31/C/29 on the “Status of the proceedings before the ITLOS”. I am mindful of the observation made by the Secretariat at paragraph 15 of the need to refrain from commenting on the ongoing litigation. However, there are some factual observations that I feel the Council should be aware of. In making these observations, I do not seek to comment on the merits of the proceedings, but rather to draw attention to aspects of the factual chronology that do not appear in document ISBA/31/C/29, and which may assist Council members in understanding the background to the dispute.

First, the nature of the application. The application related to matters of due process in the conduct of an investigation, not whether the investigation should take place. This is an important distinction, as we have seen commentary suggesting that the application sought to challenge the legality of the investigation itself. That is not correct. The application concerned whether the Authority had afforded the procedural safeguards envisaged by the Council in document ISBA/31/C/18, including due process, transparency, fairness and the right to respond. The applicants expressly accepted before the Chamber that the Authority has the power to raise questions and conduct inquiries concerning possible non-compliance. The issue raised before the Chamber was whether contractors and sponsoring States had been afforded a meaningful opportunity to understand and respond to the case being put against them before the inquiry progressed further.

Second, while document ISBA/31/C/29 records the Authority's expressions of willingness to engage constructively and pursue an amicable resolution, it does not fully reflect the practical position facing the contractors and sponsoring State at the time. Requests for clarification concerning the factual and legal basis of the inquiry, the applicable procedure and the due process safeguards to be afforded were repeatedly raised with the Secretariat and the Legal and Technical Commission. Although the Authority later indicated that these matters required further consideration, the deadline of 31 May 2026 remained in force. No concrete timetable was provided as to when or how those concerns would be addressed, nor was any assurance given that the inquiry would not proceed before those due process concerns were resolved. We consider that this is an important part of the factual chronology that is absent from the note.

Third, the note also does not refer to the efforts made by the applicants after proceedings had commenced to avoid further escalation. In June, proposals were advanced seeking further particulars, an extension of time, and deferral of consideration of the matter so that any response could be provided on a fully informed basis. While consultations were subsequently proposed by the Authority, those consultations were conditional upon the applicants withdrawing their request for provisional measures. As a consequence, the contractors were being asked to relinquish judicial protection before obtaining even basic consultations and procedural engagement they had been seeking for several months. From Naoero's perspective, that fact is relevant to understanding why the dispute continued notwithstanding the contractors' desire to resolve matters cooperatively.

Fourth, we were surprised that a request by Naoero pursuant to Rule 53 of the Commission's Rules of Procedure to attend the Commission's deliberations on the inquiry at its June and July meetings went unanswered. The absence of any response made it more difficult for Naoero to

effectively exercise its sponsoring State responsibilities. As the Council is aware, the obligations of a sponsoring State are not merely formal. They require active engagement and oversight. It is difficult for a sponsoring State to discharge those responsibilities where requests for information and participation remain unanswered.

Fifth, Naoero welcomed the opportunity, at the invitation of the Chamber, to participate in the proceedings through both written and oral statements, the latter being delivered by our Vice-President, His Excellency Lionel Aingimea, on 2 July. Naoero's intervention focused on the practical difficulties faced by a sponsoring State when it is required to oversee a contractor's conduct but is unable to obtain clarification concerning the process being followed or the basis for concerns that have been raised. We were also surprised that the Authority opposed Naoero's participation in the provisional measures proceedings notwithstanding the direct interest of sponsoring States in matters affecting the contractors they sponsor. This fact is also missing from the Secretariat's note.

Sixth, Naoero notes that the Council itself directed the Commission in March to ensure due process, transparency and fairness at every stage of the inquiry, including by providing contractors and sponsoring States with the right to respond. The requests made by Naoero, and the contractors sought to understand how those safeguards would operate in practice in the context of this inquiry. Whatever views may ultimately be taken regarding the litigation itself, we believe it is important that Council members appreciate that these requests arose directly from the Council's own directions and reflected a desire to engage meaningfully with the process established by the Authority.

Mr. President,

On the second item under Agenda 21, consideration of a third part of the thirty-first session it would be helpful for members to better understand the specific matters envisaged for consideration, the outcomes that such a session is expected to achieve, and why those matters could not be progressed effectively through intersessional work or existing processes.

As delegations are well aware, participation in additional meetings entails significant financial and administrative costs, particularly for small island developing States. Greater clarity regarding the necessity of a third part of the session would assist members in assessing whether it represents the most efficient and effective use of the Authority's and members' resources.

I thank you, Mr. President.