

## Consultation on the draft Strategic Plan for the International Seabed Authority for the five-year period 2024-2028

### Submission by Nauru Ocean Resource Inc (NORI) and Tonga Offshore Mining Ltd (TOML)

NORI and TOML would like to extend their appreciation to the Secretary-General for the preparation of the draft 2024-2028 strategic plan for the International Seabed Authority and the opportunity to provide written comments.

NORI and TOML appreciate the progress that has been made in the implementation of the Authority's first strategic plan and believes the addition of a strategic plan has greatly assisted in the advancement of the objectives and mandate of the ISA. It is within that context that we offer some general comments:

- We believe it is imperative that the ISA continues to prioritize the finalization and adoption of rules, regulations and procedures (RRPs), including all necessary standards and guidelines for exploitation activities in the Area. While the strategic plan acknowledges this, we believe that the legal requirement following Nauru's request made pursuant to section 1(15)(a), should be referenced and acknowledged. We also believe that **Strategic Direction 2: *Strengthen the regulatory framework for activities in the area***, should be the ISA's first strategic direction. We offer additional specific drafting suggestions below.
- The 2024-2028 strategic plan builds on the first strategic plan and provides continuity which we strongly support.
- We support the continued prioritization of capacity building and acknowledge the efforts by the Secretary General and Secretariat during the previous strategic plan. As Contractors who are sponsored by developing States, we greatly appreciate the efforts made in this regard and would note the role that Contractors play in this priority through their training programs and suggest that they continue to be consulted and involved.
- We appreciate the continued priority that is placed on providing public access to environmental data and suggest that the ISA may wish to also consider how it can also facilitate its use and access. As the amount of data being submitted by Contractors is increasing substantially, we believe that the current system should be reviewed to ensure it is fit for purpose and capable of handling the large amounts of data going forward.
- We also appreciate the efforts made during the last strategic plan to conduct outreach and build awareness and knowledge within member States.
- We think the role of Contractors should be acknowledged in Strategic direction 4 as it is the Contractors who are conducting the overwhelming majority of all marine scientific research. Examples of initiatives that could be considered include facilitating collaboration between Contractors and codifying best practices.

Please find our suggested amendments to the strategic plan to reflect the Authority's obligation to adopt RRP for exploitation (proposed additions are in underlined text):

- **Paragraph 4(c), which sets out guiding principles for the Plan:** "*(c) To support the establishment and implementation of the international legal regime of the Area,*

including the adoption by the Authority's of rules, regulations and procedures for exploitation activities in the Area;"

- **Paragraph 5(b), which lists out the provisions of the 1994 Agreement directing the strategic directions and priorities of the Plan:** adding in a new sub-paragraph after sub-paragraph (ii):

"(vi) Annex, section 1(15), which requires the elaboration and adoption of rules regulations and procedures necessary to facilitate the approval of plans of work for exploration or exploitation, and in particular the elaboration and adoption of rules, regulations or procedures regarding exploitation within two years of a request by a State Party under section 1(15)(a);"

- **Amending paragraph 11, which summarizes the Authority's obligations regarding exploitation rules, regulations and procedures:**

"11. The primary means by which the Authority is required to organize, carry out and control activities in the Area on behalf of mankind as a whole is to adopt and uniformly apply rules, regulations and procedures (ibid., annex III, art. 17). The basis for these rules, regulations and procedures is annex III to the Convention, which complements part XI and is further governed by the 1994 Agreement. Annex III sets out the basic conditions for prospecting, exploration and exploitation in the Area. The 1994 Agreement stipulates that rules, regulations and procedures relating to the conduct of activities in the Area are to be adopted as those activities progress and that regulations necessary to facilitate the approval of plans work for exploitation must be adopted within two years of a State making a relevant request in accordance with section 1(15)(a). Regulations governing exploration have been adopted, and the challenge now is to adopt sound and balanced regulations for exploitation. Following the Republic of Nauru's request made pursuant to section 1(15)(a), which was effective as of 9 July 2021, the Authority is required to adopt regulations for exploitation by 9 July 2023. Regulations for exploitation must reflect best international standards and practices, as well as agreed principles of sustainable development."

- **Amending paragraph 27, regarding strategic direction 2.1 (Strengthen the regulatory framework for activities in the Area):**

"Strategic direction 2.1. Adopt rules, regulations and procedures covering all phases of deep sea mineral exploration and exploitation on the basis of best available information, in a timely manner, and in line with the policies, objectives, criteria, principles and provisions set out in the Convention and the 1994 Agreement, including in compliance with the obligation arising from the Republic of Nauru's request for the adoption of exploitation rules, regulations and procedures in accordance with section 1(15)(a) of the 1994 Agreement."

- **Amending paragraph 35(a) regarding expected outcomes:**

"(a) A comprehensive legal framework for carrying out exploration and exploitation activities in the Area for the benefit of mankind as a whole in a timely manner and in compliance with the requirements of the Convention and 1994 Agreement (Convention, art. 140 (1)), including necessary measures to ensure..."