



Republic of Nauru

**Statement delivered by His Excellency Russ Joseph Kun, President of the
Republic of Nauru at the 28th session of the International Seabed Authority**

Kingston, Jamaica

Wednesday, 26th July 2023

Mr. President,

Ekamawir Omo and warm greetings from the Government and the people of Nauru,
At the outset, let me thank the Government and the people of Jamaica for their warm hospitality accorded to me and my delegation. It is the first time for me to be in the Caribbean and in this beautiful country, Jamaica.

We also thank the ISA Secretariat for the support to my delegation.

As a leader of a Small Island Developing State in the Pacific, I am mindful of the anxiety felt by our young people and their perceptions of our collective inaction to the dangers posed by climate change. I share this anxiety for our current and future generations. Nauru is experiencing this new lived climate reality and our efforts to build our resilience is largely dependent on the international commitments to deliver the targets established by the Paris Agreement and the 2030 Agenda.

Mr. President,

UNCLOS presented us with a vision. One that aimed to restore an equitable balance in the rights, interests and obligations between those countries that have access to technology and those, such as my own, that do not.

Nauru was the first Developing State to sponsor an application for an exploration contract in a Reserved Area, helping to realize the vision of UNCLOS that this new industry be accessible and available to Developing States such as ours. Breaking the historical pattern of colonial powers benefiting from the extraction of resources, while Developing States without the same capacity are left behind is critical if we are to bridge the North – South divide. We are proud of our role in helping to empower Developing States and will continue to advocate for Developing State's rights under UNCLOS.

Mr President,

Nauru also played a key role in progressing the international legal framework by requesting that the ISA seek elaboration on Sponsoring State responsibilities, which resulted in the successful Advisory Opinion being delivered from the Seabed Dispute Chamber of ITLOS in 2011.

In 2021, Nauru once again took a leading role within the ISA by formally requesting that the Council complete and adopt rules and regulations for exploitation within the two-year deadline, set in paragraph 15 of Section 1 of the Annex to the 1994 Agreement. On this point, I would re-iterate that our decision as a sovereign State to request adoption within 2-years was not taken lightly by our government. After consultation at a national level, we made an informed decision based on the facts before us, and with good intent, took what we considered a necessary step afforded to us by the 1994 Agreement.

Mr. President,

Nauru underscores that the deadline set is now expired. We are extremely disappointed. We consider the Council's failure to adopt such rules, regulations and procedures within the prescribed timeline, constitutes a direct breach of its obligation under the 1994 Agreement. However, Nauru acknowledges the significant efforts and work made by delegations over the last 2 years towards the adoption of the draft regulatory text, not least, the time dedicated to intersessional work.

Nevertheless, I am pleased to see a Council decision last week that demonstrates a strong political commitment to fulfilling the primary obligation before this Authority being the completion and adoption of the draft exploitation regulations within a reasonable and predictable timeframe – that is by the first part of the 30th session of the Authority. Much has been achieved to date in the negotiation process and we must not lose momentum, in our endeavour to produce a world class, robust regulatory framework for the responsible use of polymetallic nodules in the Area.

Mr. President,

We have a window of opportunity to support the development of a sector that Nauru considers has the potential to help accelerate our energy transition to combat climate change. Realise financial and other economic benefits for the international community as a whole flowing from the principle of the common heritage of humankind, to contribute to our sustainable development agenda, and a sector that is subject to a unique and robust oversight mechanism, through the ISA and Sponsoring States.

In closing, let us work collectively and constructively to finalise a world-class ISA Mining Code, that has a robust environmental standard within the regulatory framework. Nauru will continue to work with other delegations in good faith to complete its work and I assure you of the full support of my delegation.

To that end, for those delegations who have claimed to protect the environment and preserve the marine biodiversity, I look forward to all your pledges in COP28 as we

put people at the heart of climate action – delivering a just transition, enhanced adaptation and climate action for sustainable development.

Mwa tubwa kor, I thank you.