

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

Submission by the Republic of Nauru

The Government of the Republic of Nauru (Nauru) conveys its appreciation to the Secretary-General for the preparation of the first draft of a strategic plan for the International Seabed Authority for the five-year period 2024-2028 and the opportunity to provide written comments.

Nauru is grateful for the report on the Review of the implementation of the Strategic Plan of the International Seabed Authority for 2019-2023 and commends the Authority for the colossal efforts and progress that has been made in the implementation of the Authority's first strategic plan and its contribution to the 2030 Agenda. Such progress is remarkable given the Authority's wide-ranging mandate, broad stakeholder base and limited resources. Overall, we consider that the draft strategic plan for 2024-2028 provides the required level of continuity to advance and deliver the Authority's mandate and to progress work in several strategic areas, particularly the development of the regulatory framework and its implementation.

Our comments below are preliminary and without prejudice to any future input or position Nauru may have.

General questions

1. *Does the Draft Strategic Plan for the period 2024-2028 clearly encapsulate the mandate and responsibilities set out for the Authority by the Convention and the 1994 Agreement?*

We consider that the draft plan adequately reflects the Authority's mandate and responsibilities, not least the priorities established by the 1994 Agreement. We do not see value in any fundamental departure from the Authority's first strategic plan; the draft plan for 2024-2028 presents a continuation of the strategic directions relevant to the delivery of the Authority's mandate and its contribution to the sustainable development agenda.

2. *How do you think the Strategic Plan and associated High-Level Action Plan have contributed to fulfil the mission of ISA (as per the mission statement)?*

Significant progress has been made since the adoption of the Authority's first strategic plan and associated action plan toward the delivery of mission statement components, as evidenced in the review report and from the wealth of reports and technical studies published by the Authority. The breadth and depth of the Authority's initiatives to advance the sustainable development agenda, promote marine scientific research in the Area and advance regulatory development including through a broad range of stakeholder involvement and strategic partnerships is noteworthy. We would also highlight the outreach work undertaken to promote awareness of the Authority and its respective roles and responsibilities.

Such meaningful progress would not have been possible without a structured action plan, a commitment to its delivery and stakeholder contributions.

As a small island developing State and a sponsoring State, Nauru values the initiatives that provide targeted-capacity development and we welcome this as a continuing area of focus in the years ahead.

Given the current limitations on human capital and financial resources we do consider it timely to reflect on the Authority's focal areas for the years ahead. Stakeholders, individually and collectively may have different perceptions as to these focal areas. Consequently, there should be opportunity for discussion and subsequent endorsement of priority areas and their associated targeted actions by the Assembly to provide the Authority's organs and stakeholders with a clear, focused and timebound agenda for delivery.

3. *To what extent do you think the work of ISA provides a useful model for sustainable management of the global commons as Steward of the Area and its resources?*

The resilience and stability presented by the Authority's governing structure rooted in the Convention and the 1994 Agreement provides a useful, albeit continually evolving model for the stewardship of common resources. As the first such regime to manage specific resources within the global commons, the Authority provides an essential platform to build consensus on a wide-range of issues with a challenging background and context. The model is aided by several strategic partnerships actively working in collaboration with the Authority on matters relating to ocean governance and the Authority's leadership in, and contribution to the sustainable development agenda which facilitates the contemporary setting for its mandate.

That said, we think it too early to assess this question adequately given that no exploitation activity has taken place in the Area to date. The effective administration and management of exploitation activities will properly inform the efficacy of the model for the sustainable use and management of common area resources.

4. *What should be the priorities of the Authority for the next five years?*

Given the context and challenges faced by the Authority, not least its wide-ranging mandate, prioritising or re-prioritising actions will be fundamental to the Authority in achieving the objectives set out in the mission statement. We acknowledge like others, that the tension between the evolutionary approach and inadequacy of current resourcing is a potential barrier to the delivery of the Authority's full mandate and functioning, and understand that this is being given full consideration at several levels.

We see the following as priorities in the years, if not months ahead as particularly important.

First, strategic direction 2 relates to the strengthening of the regulatory framework for activities in the Area. We consider this as a priority and urgent issue to provide further stability and certainty in the regime for the Authority's contractor base and other stakeholders. While the draft exploitation regulations are progressing, much remains to be done in terms of the development of standards and guideline as well as overarching policy and other documentation. It is important that regulatory development, particularly that of environmental regulation progresses on an outcome or results-based approach and with the adoption of the highest practicable standards.

Secondly, the issue of organizational performance and development, addressed in strategic direction 8. One of the expected outcomes of the strategic plan is for the Authority to be a fit-for-purpose regulator for activities in the Area. While the organisational structure of the Authority is defined principally by the Convention and the Agreement, its institutional functioning (*how* it will regulate) requires further examination, including that of capacity and resourcing. We see putting in place clear processes and procedures incorporating the necessary transparency and accountability, as well as reflecting the relevant interfaces and protocols with sponsoring States as

key to the efficient and consistent implementation and enforcement of the regulatory provisions. Seeking input from member State natural resource regulators, including setting up a network of national regulatory contacts would be beneficial to access scientific and technical expertise as well as benchmark good compliance assurance practices.

It will also be important to give consideration to a systematic approach to evidence-based planning as part of an action plan. Future regulatory decision-making will require an evidence-based approach, with such decision-making being made on the basis of best available scientific information. This regulatory science interface will be an important consideration and deliverable building on the Sustainable Seabed Knowledge Initiative of the Authority and progressing the functionality of the DeepData database and related AI given the likely exponential collection and required management, in-depth analysis and reporting of data and information in the foreseeable future.

Thirdly, strategic direction 5 addresses developing the capacity of developing States. We consider that this strategic direction should acknowledge the priority needs for SIDS sponsoring States. Nauru has participated in the Abyssal Initiative and sees value in the continuation of such targeted capacity-building and technical cooperation initiatives while ensuring that they are relevant to the needs of sponsoring States and that they embed knowledge and skills for the benefit of such States and the uniform implementation of the Part XI regime.

Specific questions

5. *Does the “Mission Statement” (unchanged from the first strategic plan) continue to accurately reflect the mandate of the Authority?*

It is challenging to formulate a mission statement for the Authority which captures the multi-dimensional role of the Authority. We consider that the current mission statement does capture the core elements of the Authority’s mandate. We do suggest that while the Convention recognises the Area and its resources are legally the common heritage of mankind, that the language adopted by the plan more appropriately reference the common heritage of humankind.

6. *How do you consider that the context and challenges identified remain relevant? Should there be any new elements identified?*

We consider that the context and challenges (as modified) continue to be relevant.

7. *Are the “Results and Priority Outputs” appropriate and is there a clear link between the “Strategic Directions” and the “Results and Priority Outputs”?*

We assume this relates to section V, Expected outcomes and consider these remain appropriate to the outputs flowing from the strategic directions.

8. *Are there any specific observations or comments that Member States and other stakeholders wish to make in connection with any other aspect of the Draft Strategic Plan for 2024-2028?*

The report on the Review of the implementation of the Strategic Plan acknowledges that “the rapid pace of development and integration of new technologies and AI is likely to bring significant benefits to the work of the ISA, ultimately contributing to the sustainable development of the ocean economy.” The role of AI is acknowledged for example in the context of the Sustainable Seabed Knowledge Initiative. Perhaps the draft plan should also incorporate the review and

consideration of technological developments that enhances the work of the Authority and its stakeholders.