

Italy

Considerations on ISBA/25/C/19/add.1 - Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its twenty-fifth session

Italy welcomes the report of the Chair of the legal and technical commission and acknowledges that the workload of the Commission has increased to a point where not all the scheduled items of discussions and assigned tasks can be discharged on time by the Commission. Our delegation wishes, therefore, to express gratitude and admiration to the Chair and all the members of the Commission for their continue commitment and dedication to make the works of the Authority as thoughtful, efficient and expeditious as possible.

It is worth to note that workload is becoming too much for the current composition, arrangement and on-site meetings of the Commission and that considerable intersessional work has been already envisaged for the Commission, as for example to consider the terms of reference for the technical working groups on standards and guidelines.

Madam President,

The Italian delegation has read with appreciation that most of the contractors complied with the reporting requirements for their annual reports and carried out their activities in accordance with their scheduled programme and progressed with the collection of baseline environmental data.

However, the Commission highlighted that a few contractors repeatedly are inadequately or incompletely performing their approved plan of works, attributing their poor performance to external factors. In this respect, Italy supports the Commission recommendation to the Council to decide on a process where the Secretary-General will follow-up with these few contractors and their sponsoring states about the state of their contracts. We support that if there will be no acceptable fulfillment of the obligations under the contract, the Commission will finally

communicate to the Council which particular contractor or contractors have not satisfactorily met the requirements under the contract, with a way forward to make a decision and apply the options under the Convention.

Such more rigorous measures were long overdue in order to properly implement the requirements set by the Convention itself. Indeed, the impression flowing from this report is that, similarly to what happened in the last few years, while the majority of the contractors are making good or acceptable progress in their plans of work for exploration, a smaller still undefined number of contractors are not progressing in their activities. The consequences of such situation, in our opinion, is that not enough environmental baseline data are being collected in these areas and that not enough baseline environmental exploration data will be available before the start of exploitation of the resources of the Area.

Italy agrees with what the delegation of Japan mentioned yesterday about the ambiguity in the draft regulations around the possibility to apply for a contract of exploitation without having undergone a sufficient process of exploration in the same area. Other delegations such as Brazil, Costa Rica, while commenting the draft regulations, have expressed their views on the need for thorough exploration before exploitation commences. There is not enough environmental baseline knowledge in the deep sea and there is urgent need of more exploration data defined on the basis of accepted minimum environmental requirements.

The effective establishment of Regional Environmental Management Plans and the implementation of an overall Environmental Strategy for the Authority must rely on these exploration data. This further knowledge, that can be achieved only through continued exploration on environmental parameters, will be of crucial importance for future considerations on applications of plan of works for exploitation in those areas.

Regarding part V of the report, Italy acknowledges the extensive work the Commission is doing for the implementation of the Regional Environmental Management Plans and agrees with the scientific approach to what essentially is a spatial planning process aimed at identifying both possible areas of particular environmental interest (APEIs) and the preventive and mitigation measures necessary to avoid or minimize the negative environmental effects associated to the exploration and exploitation operations.

Nevertheless, the same programmatic nature of REMP's would require, also in respect of the principle of transparency, their submission to a public disclosure and consultation process as their adoption would imply making strategic decision potentially affecting primarily coastal States as well as the entire humankind. In fact, at a global level, also according to the EU legislation, any spatial planning exercise should always be conducted, since the early stage, with the direct participation of the stakeholders, including the civil society.

Regarding Annex I of the report, Italy would seek some clarification about the priority guidelines identified by the Commission.

Paragraph 3 of the annex states that 94 and 95 provide sufficient evidence that Standards are regarded as mandatory, whereas Guidelines are recommendatory. In paragraph 9 of the Annex, the Commission recommends that the six Guidelines be developed urgently and be completed by July 2020, when the regulations are supposed to be adopted according to the roadmap. This seems to lead to the conclusion that the regulations will be adopted with only recommendatory measures in place (the Guidelines). If this is correct, this delegation underlines the effects and consequences of avoiding the adoption, with the same urgency, of relevant standards which complement the Regulation with measurable parameters and thresholds, though we recognize how difficult they are to be identified at the present stage of scientific and technological knowledge.