

Speaker: Mr Daniele Bosio

Item 11 – IWG Inspection, Compliance and Enforcement

Thank you Madam Facilitator.

Thank you also for your text and the intersessional work that you coordinated.

Allow me to provide some general comments on the text and the Inspection Mechanism. We will submit specific comments on individual DR in writing.

With respect to paragraph 5 of the introductory remarks by the Facilitator, which is also found in other IWG draft texts, Italy wants to highlight that, while acting within the limits and responsibility that the UNCLOS and the Agreement have assigned to the ISA, this Council never formally committed to the “not undermine” clause like we did in respect to the process and result of the negotiations of the BBNJ agreement. The exact meaning, scope and consequences of the not undermine clause is still debated at the BBNJ IGC, with some delegations arguing that it does not ensure legal certainty in its interpretation. For this reason, we do not see the need to add any further element of complexity to these negotiations, which so far never questioned the respect of the legal framework and mandate of other international organisations.

Italy believes that the key to implement a successful inspection mechanism is cooperation between the Authority and Sponsoring States. Sponsoring States must take all necessary and appropriate measures to secure effective compliance with the Convention through an efficient inspection system. We support the idea of placing observers from the sponsoring States on board the operating vessels, also in consideration of the remoteness of some mining areas. Observers from sponsoring State will probably have the opportunity to stay on board for prolonged periods of time during seagoing-operations, while inspection will probably be a spot intervention. A robust and transparent inspection mechanism is also important for knowledge building that will turn in best practices and learning experiences. Indeed both the Authority and Sponsor State inspection activities, including knowledge, data and learnings should be shared to maximize the development of best inspection practices as well as information to be shared with stakeholders (NGOs, civil society

organizations, research centers, etc.). This will contribute to create homogeneous inspection procedures.

A proper inspection mechanism should be based on sound underpinning principles: Independence, transparency, robustness, economic efficiency, no conflict of interests, appropriate qualification and experience of inspectors.

As on-site inspections could be difficult to be regularly conducted because of the remoteness of the areas where Deep Sea mining is conducted, we do agree on the use of remote monitoring systems. In this regard, we express appreciation for Technical Study 29 of the Secretariat.

In this framework, the development of remote monitoring guidelines should be a high priority in the progressing of the draft regulations, as this technology, including from satellite earth observation, will be essential in the case of seabed mining where direct and large inspection of the mining process is limited not only by the great depths but also by the extent of the exploited area. Such monitoring should be ensured during the whole lifecycle of the activity as well as before (to ensure that baseline conditions are adequately understood) and after (to ensure long term monitoring of the impacts of the activities and safety for the environment).