



29[^] Session of the International Seabed Authority

Meeting of the Council

Second part

Statement of Italy

Item 11 – Report of the Secretary General on the implementation of the decision of the Council in 2023 relating to the report of the Chair of the LTC

Thank you Mr. President.

As I didn't have the chance to do that before, allow me to underline Italy's full support to your presidency at this second part of the 29th session of the council. I would like to congratulate you on your leadership in walking us through the different topics under our agenda. We are very pleased to see that significant progress has been made on many aspects of the negotiations and we do hope we can continue taking advantage of your knowledge and expertise in these remaining meetings and in the future.

I also congratulate for the African day of the Ocean.

Italy commends the report of the Secretary General and the work of the LTC.

We consistently requested, in the past sessions, a higher degree of transparency on exploration contracts and we are now pleased that this approach seems to be met; in particular, we appreciate the inclusion of relevant elements of the exploration contracts in the ISA website.

We commend the initiative taken by Secretariat to organise Data Management Review and Reporting Template Training Session for contractors. In fact, we hope this will enhance the quality and quantity of data made available by the Secretariat.

In this context, we welcome the adoption of criteria for assessing responses of contractors to concerns identified by the LTC in respect to contractual obligations.

We certainly agree that the identification of contractors by name, on the basis of their failure to respond to calls from the Council or their inadequate or incomplete responses to the Commission, short of non-compliance, in publicly available documents does not have an express legal basis in the Convention, the 1994 Agreement or the exploration regulations.

However, to ensure due process, it is important to rigorously implement the criteria identified by LTC and make sure that any assessment in accordance with the established timeline in appendix 1 of the Report of the LTC remains for internal use of the LTC until a final decision is made on each case in accordance with Step 3 of the flowchart.

The document developed by the LTC appears very comprehensive and establishes a clear framework for identifying cases where contractors have not or have failed to appropriately respond to questions

raised by the LTC. We understand however that a level of discretion remains when at the end of the process, in year 2, the responses and clarifications received by the contractor are considered by the Commission still unsatisfactory. Indeed, the general guidance and the Appendix states that the Commission and the Secretary-General “may decide to” and not “shall” report the names of the contractors. We would like to see that the process of informing in detail the Council about the performance of the contractors becomes a habit, including by naming explicitly the contractors who fail their obligations.

On another level, as much as these functions will help increase effective compliance by contractors, we raise the attention on the additional burden that will be borne by the CARMU, thus further straining its limited resources. This should be considered as well when assessing the budget of the Authority.

This delegation would also like to warmly thank the LTC for the considerable work and effort in the development of Recommendations on technical guidance for development of REMP in support of a standardised procedure and approach:

The mechanism envisaged under the recommendations ensure scientific robustness to inform decision-making for high level environmental protection on a regional scale. We are convinced that REMP's are a major tool to operationalise the precautionary approach.

We do not think that the convening of REMP's workshops for the priority areas already identified by the Council need a Council decision. They shall be convened based on the availability of financial resources allocated. This is why it is essential to allocate adequate budget resources to the programme on protection of the environment to ensure that REMP processes can be discharged in line with the priorities identified by the Council.

We welcome the significant progress made in determining environmental threshold levels, the scope of thresholds, including appropriate indicators, and the approach to develop threshold values considering levels of uncertainty and confidence. We need to further refine this work and we look forward to stakeholder consultations.