

Italy – Statement 7 th December 2021
26 th Session of the International Seabed Authority

Item 12
ISBA/26/C/44

Italy wishes to thank the SG for the report and roadmap he provided with respect to the next steps of the negotiations of the DR on exploitation of mineral resources.

Italy acknowledges that the document raises a number of issues relating to the way forward and wishes to provide some comments and inputs on the negotiations of the DR.

With respect to the roadmap, we think that the Council should consider the negotiations of the DR as a matter of priority and to stick to the 2 years deadline imposed by the relevant provisions of the 1994 implementation agreement following the request by Nauru. However, it is our conviction that the conclusion of this negotiations shall not hinder the quality of the regulations, particularly with respect to the need to ensure the highest level of protection of the marine environment. In other terms, we support the principle that the quality of the regulations should not be diminished because of imposed deadlines.

For this result to be achieved, we are convinced that practical solutions are to be found to ensure that the next meeting of the Council will be as productive as possible.

First of all, Italy believes that it is relevant to make sure that the decision taken in February 2020 by this Council on the working method for the finalization of the DR is fully implemented. This, in particular, entails that all facilitators should be appointed as soon as possible and that they start working on MS text proposals. We believe that the role of facilitators is pivotal in this respect and we very much look forward to starting working with them as soon as possible.

We propose that the working method should be built on a 2 step approach.

First, as far as in person meetings are concerned, negotiations should be conducted analysing each and every article of the DR so to agree on a common language. General statements as in the last sessions will not provide any good basis to advance negotiations. MS already had the chance to convey textual proposals several times and a collation of comments was produced by the Secretariat: hence, what is currently needed is a comprehensive analysis of these textual proposals, under the guidance of the facilitators.

Second, as in person negotiations could not be sufficient to conclude the DR by the set deadline, we propose that they resume and continue, with the full support of the facilitators, also intersessionally. While we are aware of the difficulties it can entail, we are convinced that this is important to make sure that the positions expressed by MS are bridged and a common ground is found for the following in person meeting of the Council.

To guide this process, working papers that facilitators will produce on specific parts of the DR as already anticipated for the section on environmental protection are very welcomed. We expect that facilitators will be able to suggest the most appropriate way to continue working intersessionally and to start putting together the textual proposals advanced by MS as soon as possible.

Indeed, we have to bear in mind that 3 weeks sessions as foreseen in the roadmap could not be sufficient to achieve the ambitious result we are expected to deliver.

Finally, we believe that until we have an agreed text for DR, standards and guidelines should not be approved by the Council. Indeed, the provisions on which they depend have not been fully agreed

upon yet. In this perspective, it is evident that we could need to revise the text of S&G in parallel with the text of the DR.

On this point, Italy would also like to raise the point of how stakeholders' comments on the first draft of S&G will be incorporated by the LTC before their content is recommended to this executive body. Information on that should be made available by the LTC maybe in the separate document on the advancements on S&G already foreseen in the report of the LTC itself.