

Italy's statements 26 Feb 2019

Decision-making (ISBA/25/C/6)

Thank you Madame President

We are grateful to the Secretariat for preparing the helpful and comprehensive note on decision-making and delegation of authority.

As a general principle, we acknowledge that one of the main responsibilities of the Secretary General, besides the orderly administration of the Authority, is to provide continuity of action, including when urgent circumstances arise. We agree that the Secretary General should be properly empowered to take effective and immediate action, especially when there is a risk of damage to the marine environment deriving from mining activities. Also, as a general rule, we consider that the responsibility of such actions should always be shared with the Council in accordance with the latter's function to exercise control over the activities in the Area. Proper forms of periodical or ad hoc information by the Secretary General to the Council should therefore be considered on all action taken in this regard.

Italy also would like to present some more specific considerations on the "Compliance notice" under DR 101.

Exploitation contracts are signed on behalf of the Authority by the Secretary-General in accordance with DR 18. The Secretary General should therefore be considered the custodian of their proper implementation by the Contractors. The issuance of a compliance notice by the Secretary-General should not be considered exceeding its administrative functions as provided by the Convention, especially if such compliance notice concerns matters of urgency related to the protection of the marine environment.

Since such responsibility has immediate and long-term effects on the activity in the Area, the Council should be kept informed in a timely manner in order to properly discharge its functions of control over activities in the Area. A proper mechanism of review of the decisions of the Secretary General should be considered, including the possibility for the Council to review a compliance notice, provided that the interest of timely action to prevent damages to the marine environment is upheld.

Without prejudice to the principle of urgency on measures adopted by the Secretary General, Italy is of the opinion that the conferral of the power to suspend the contract in case of serious violations by the contractor should be carefully considered. While suspension could exceed the administrative functions of the Secretary General, the evaluation of such violations by the contractor should be kept at a technical and impartial level, especially when they involve serious harm

to the marine environment. In analogy with the DR 30 (2), a prior recommendation from the Legal and Technical Commission could provide a sound basis for a decision by the Council or, in specific, urgent circumstances, by the Secretary General. Such urgent circumstances, in particular, can refer to situations where multiple warnings according to art. 18 of Annex III have been issued by the Secretary General on behalf of the Authority. Termination power, on the other hand, should remain within the exclusive competence of the Council.

These are our comments at this stage.

Thank you Madam President.

- Regional environmental management plans (ISBA/25/C/4)

Thank you Madam President

Thank you also to the Secretariat for the useful documents and to Mr Brown for his introduction.

Italy agrees with the distinguished delegate of France and with the consideration by the Secretariat that the Council already possesses the legal tools, under articles 145 and 162 of the Convention, to establish policies in matters concerning the environment, and that the Council exercised this power when it established the Regional Environmental Management Plan for the Clarion-Clipperton Zone (CCZ). That notwithstanding, the regional environmental management plan for the CCZ is a work in progress. Indeed, though approved by the Council in 2010 and adopted in 2012, its implementation is still limited also due to the lack of baseline data in some of the 9 regions of particular environmental interest which were identified within the CCZ. This demonstrates that developing environmental policies is a long-term process.

We think however that Regional Environmental Management Plans are a useful tool to guide exploitation activities in the Area. Italy therefore suggests to proceed with a practical approach and that the Council considers the decision to adopt environmental management plans for the other region where mining is likely to occur soon. We are also of the view that substantial information and progress has been achieved during the workshops held in 2018, especially the one held in Poland, for developing a framework for regional environmental management plans for polymetallic sulphide deposits in mid-ocean ridges.

Thank you Madam President

