



**High Seas Alliance  
Agenda Item 6  
Intervention Day 6  
IGC2 1 April 2019**

**Environmental Impact Assessments**

**5.6 Monitoring reporting and review (page 43)**

High Seas Alliance Intervention.

Thank you Mr Facilitator

We agree with the EU, CARICOM and others that monitoring reporting and review is a very important part of EIA.

With respect regard to monitoring and reporting, we support Option I:

- in (1) of Option I, we support a combination of Options A and B
- In (2) we support option A
- We support (3)

With regard to Compliance

- we support Option II, and taking up the point made by China in favor of a non-confrontational approach, we suggest using the term **implementation** rather than **compliance**. Compliance is an aspect of implementation, but we see this body not using a stick but a carrot. We believe that a subsidiary body on implementation would be an asset to the Institution.

With regard to involvement of other States, we agree with the EU that this could be addressed in 5.4.

We recommend adding relevant sectoral and regional organizations to those submitting reports where relevant. We are also supportive of an option for the Instrument to carry out monitoring where appropriate.

With respect to the Clearinghouse mechanism suggested by several delegations, we note that some Clearinghouse mechanisms do not provide access to scientists, industry or the public. We support the use of a clearinghouse mechanism, as long as it is open and transparent.

Mr Facilitator, you asked about what happens when monitoring of an assessed activity reveals a significant adverse impact. In our intervention this morning, we noted that this element is missing from the text and recommended adding to Section 5.4 a provision requiring 1) notification of States, the Secretariat for the Instrument and the public if monitoring reveals significant adverse impacts, and 2) adoption of emergency measures, including suspension or modification of the activity, as needed.

Building on the remarks of the distinguished representative of Singapore, in addition to the Law of the Sea Convention, a number of other instruments contain requirements that could be drawn from including the Espoo Convention Article 6, the 1995 UN Fish Stocks Agreement Article 6, the Madrid Protocol in Article 15, and the Kuala Lumpur Nagoya Protocol in Article 5, that could be used to inform the content of this provision.

On adaptive management, this needs to be included only so far as it is consistent with the precautionary principle.

Thank you Mr Facilitator