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4 April 2016 afternoon WG II: EIA

Intervention Greenpeace, Pew Charitable Trust, NRDC, WWF, OceanCare for High Seas Alliance

Thank you Mr Facilitator and good afternoon delegates

Congratulations on your appointment and we promise we will not cause significant adverse impacts with our intervention.

We are struck by the very thoughtful interventions that have been made this afternoon. We agree with many of them.

On definitions:

We suggest reference to the IUCN matrix, where a number of definitions were suggested.

We can draw on the Espoo Convention for a definition of EIAs and its Kiev Protocol for a definition of SEAs, and for thresholds, as well as the CBD in article 14 and article 2, always with a mind to article 206 of UNCLOS. Principle 17 of the Rio Declaration is also useful, which calls for assessments for projects likely to have a significant adverse impact on the environment

Regarding environmental impact assessments and strategic environmental assessments, the new Instrument should:

- establish a framework for States to conduct prior environmental impact assessments, including cumulative impact assessments, for activities under their jurisdiction or control that may have an adverse impact on the marine environment or marine biodiversity in ABNJ;
- only permit an activity to take place after having ascertained that it will not cause significant adverse effects, when significant adverse effects are possible, and that measures are in place to ensure that identified potential adverse effects are prevented; and
- require strategic environment assessments for programmes, plans or policies that may have a potential adverse impact on the marine environment or marine biodiversity in ABNJ, including cumulative and synergistic impacts, and provide for strategic environmental management plans to be implemented where necessary.

In addition, it is important to maintain two types of lists:

Firstly, a list of habitats, features and areas where EIAs will always be needed, such as where there are ecologically or biologically significant areas (EBSAs) or vulnerable marine ecosystems (VMEs); and

Secondly, a list of activities that would always be subject to assessment (such as laying cable) along the lines of the Espoo Convention and Kiev Protocol on SEAS

The list should be open -ended, so that new and emerging activities will be assessed.

As you, Mr facilitator noted, there are EIAs carried out in the high seas on a sectoral basis. This sectoral focus has resulted in a lack of requirement to assess the cumulative impacts of human activities in ABNJ, since sectoral frameworks mostly take into consideration the separate impacts of the activities they regulate.

Also, after the last bottom fishing workshop in 2011, it became apparent that there was a problem in that assessments were not always being made public and were not always subject to public comment, resulting in resolution 66/68 calling on States and RFMOs to do so.

This underlines the importance of transparency and broad consultation for EIAs and SEAs.