



High Seas Alliance
Agenda Item 6
Intervention Day 6
IGC2 1 April 2019
Environmental Impact Assessments

5.2 (Relationship to other instruments) and 5.1 (Obligation)

Thank you Mr Facilitator

We will be brief with details on Papersmart.

For 5.2 paragraph 1, we support the reference to customary international law, which was for example endorsed by ITLOS in the *Seabed Advisory Opinion*, and **suggest supplementing it with a reference to “generally accepted international rules or standards”**, to capture practice in other fora. We associate ourselves with IUCN in this respect.

For 5.2, paragraph 2, we suggest that it is not necessary to repeat the not undermining language in each section but rather as a cross cutting matter and we support the Latin American Like Minded Countries suggestion to move under the general section.

In 5.2, Paragraph 4, with the African Group, and the Like Minded Latin American Countries, we support Option II. It is important that the instrument sets out baseline requirements for all EIAs prepared for activities in or affecting ABNJ.

This is crucial to ensuring a basic level of consistency and rigor across regional and sectoral bodies. There is a precedent for establishing baseline requirements that apply across bodies include the UN Fish Stocks Agreement in article 10, and UN resolution 61/105 and subsequent resolutions, which set out globally applicable baseline requirements for bottom trawling assessments.

In 5.1, Paragraph 1, with G77 plus China and others, we support Option 1, with a modification. Our proposed modification would add the words “or with effects in” ABNJ, so that it would read planned activities in **or with effects in**, ABNJ.

In this respect, for Paragraph 3, we support Option II, like Solomon Islands on behalf of the PSIDs, Trinidad on behalf of CARICOM,

This will help ensure that all activities wherever conducted that may affect ABNJ are assessed. We need to think of not only activities within national jurisdiction, but also activities for example in the atmosphere, above the high seas, in order to future proof the treaty.

We suggest that this is entirely consistent with the Convention, including article 206 itself, which simply speaks of the requirement to “assess the potential **effects** of such activities on the marine environment”, article 204, which speaks of the **effects of any activities** which they permit or in which they engage, and including the definition Article 1, where "pollution of the marine environment" means the introduction which results or is likely to result in such deleterious **effects** as harm to living resources and marine life etc.]

Thank you Mr Facilitator