

EiA Working Group 30 March afternoon - NRDC, Greenpeace, Pew Charitable Trusts, Mission Blue and on behalf of the High Seas Alliance

Thank you Mr Facilitator

Mr Chairman, this intervention is on behalf of NRDC, Greenpeace, Pew Charitable Trusts, Mission Blue and on behalf of the High Seas Alliance.

The process should ensure transparency, public participation and accountability and follow contemporary approaches, such as under the Espoo Convention.

A transparent process would include public notification of assessments, public comment periods, involvement of all stakeholders, opportunities for independent scientific input to ensure the best available science, and a transparent, independent and accessible review process. We welcome the suggestions of Trinidad and Tobago, Venezuela, the European Union and others in this regard.

The importance of public notification of assessments has been recognised in the General Assembly in a variety of contexts, including with respect to bottom fishing, where resolution 66/68 in paragraph 129 called on States and RFMOs: (and I quote)

- (a) To strengthen procedures for carrying out assessments to take into account individual, collective and cumulative impacts, and for making the assessments publicly available, recognizing that doing so can support transparency and capacity-building globally
 - (b) To establish and improve procedures to ensure that assessments are updated when new conditions or information so require;
 - (c) To establish and improve procedures for evaluating, reviewing and revising, on a regular basis, assessments based on best available science and management measures;
- (End quote)

This resolution contains elements of best practice in ABNJ and we suggest these elements should be adopted here.

A critically important element of the bottom fishing resolutions is the principle that if an assessment is not carried out, the activity cannot go ahead: resolution 64/72 in paragraph 119 calls for States and RFMOs to ensure that vessels do not engage in bottom fishing until such assessments have been carried out.

Another good example of a workable transparent mechanism for EIAs, with which I have personal experience, is New Zealand's 2012 Continental Shelf and EEZ legislation, which addresses activities on the continental shelf and EEZ but which also takes account of the effects of activities on ABNJ. That legislation requires notification of EIAs on the web, public comment on EIAs by way of a submission procedure, a hearing process open to submitters and involving independent scientists, and an appeals procedure.

Mr Facilitator, a brief comment on Japan's thoughtful intervention. Comments on a webpage, to be taken into account, would necessary but not necessarily sufficient. In cases it will be necessary for a hearing process involving submissions and scientific evidence. I would observe that in a recent application, there were many submitters, but far fewer participation in the hearing. I would also observe that the participation of submitters results, in almost all cases, in better scientific information being input into the process.

Finally Mr. Facilitator, our view is that an independent review process is essential to avoid "EIAs of convenience," which would seriously undermine conservation, public faith in the process, and States who play by the rules.

Thank you Mr facilitator