EIA BRIEFING #2
How should Environmental Impact Assessments (EIAs) be conducted?

Human activities that affect the marine environment in areas beyond jurisdiction (ABNJ) are currently subject to an \textit{ad hoc}, inconsistent patchwork of assessment and management requirements that have failed to prevent severe depletion of fisheries, widespread habitat degradation and diminished marine wildlife populations.

Uniform, consistent assessment and management requirements for activities affecting ANBJ are needed to implement the general obligation under Article 206 of UN Convention on the Law of the Seas (UNCLOS) to conduct EIA in order to:

- Bring EIA practices for ABNJ up to modern standards and ensure a baseline level of consistency and rigor across sectors and regions;
- Deter forum shopping and substandard “flag of convenience” EIAs;
- Ensure adequate consultation with potentially affected States and with other stakeholders;
- Provide that climate change and the cumulative effects of multiple human activities affecting the high seas are taken into consideration in decision making, and
- Provide that activities affecting ABNJ are managed to prevent significant adverse effects.

The High Seas Treaty’s EIA requirements should incorporate modern EIA practices reflected in the many international treaties, instruments, declarations and jurisprudence that have been developed in the 40 years since UNCLOS was negotiated.

What is the relationship between EIA requirements in the High Seas Treaty and those imposed by some existing regional and sectoral bodies?

The High Seas Treaty cannot impose obligations on existing regional and sectoral bodies. The basic minimum EIA content and process requirements established under the High Seas Treaty will apply to States Parties to the Treaty, which agree to implement more rigorous environmental assessment for all activities, including those under the purview of existing regional and sectoral organizations. By assuming the obligations with respect to the conduct of EIAs expressed in the High Seas Treaty, States Parties agree to modernize and strengthen their EIA practices for ABNJ consistent with the Treaty, as members of those bodies. This will contribute to strengthening, rather than undermining, current practice.
REFERENCES

1. UNCLOS Article 19(2) reads “States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention.”


High Seas Alliance – who we are
The High Seas Alliance (HSA) is a partnership of 50+ organizations from around the globe and is committed to working with States and others towards the adoption, ratification, and implementation of a comprehensive Treaty to protect the world’s ocean beyond national jurisdiction.