



An International Instrument on Conservation and Sustainable Use of Biodiversity in Marine Areas beyond National Jurisdiction

Exploring Different Elements to Consider

PAPER VII

Relation between Environmental Impact Assessments, Strategic
Environmental Assessments and Marine Spatial Planning^{*}

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^{*} DISCLAIMER: The views expressed in this paper do not necessarily reflect those of the German Federal Agency for Nature Conservation or the German Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety.

1. Background

At the 2012 United Nations Conference on Sustainable Development (Rio+20), States committed **themselves** 'to address, on an urgent basis, building on the work of the Ad Hoc Open-ended Informal Working Group and before the end of the sixty-ninth session of the General Assembly, the issue of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, including by taking a decision on the development of an international instrument under the United Nations Convention on the Law of the Sea'.¹ This commitment was recalled and reaffirmed by the United Nations General Assembly (UNGA) in its 67th and 68th session.² In its resolution 68/70, the UNGA also requested the United Nations Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (UN Working Group) **to make recommendations to the UNGA 'on the scope, content, form and process of the instrument, including the need for a legally binding instrument, and the role of the United Nations Convention on the Law of the Sea in the development of the instrument.**'³ These recommendations shall help to prepare for the decision to be taken at the 69th session of the UNGA in 2015, whether to start the negotiation of an international instrument on the conservation and sustainable use of biodiversity in areas beyond national jurisdiction (ABNJ).

The International Union for Conservation of Nature (IUCN) in collaboration with different partners has prepared a series of policy briefs to provide technical input to

are integrated into the decision-making process at an early stage and interlinked with economic and social considerations. The primary objectives of SEAs are to⁵

- x help achieve environmental protection and sustainable development through consideration of environmental effects of proposed strategic actions, identification of the best practicable environmental option, and early warning of cumulative effects and large-scale changes;
- x strengthen and streamline EIAs for individual projects or activities

Table: Main Differences between SEA and EIA⁹

	SEA	EIA
Nature of action	Strategy, visions, concepts	Construction/operation actions
Focus	Critical decision moments along decision processes	Products of decision processes (final outcomes)
Level of decision	Policy, planning	

Annex I: Definitions

Definitions for EIA	Source
<p><i>hrocess of identifying, predicting, evaluating, and mitigating the biophysical, social, and other relevant effects of development proposals prior to major decisions being taken</i> <small>16</small></p>	<p>International Association for Impact Assessment, in cooperation with the Institute of Environmental Assessment, UK (1999)</p>
<p><i>hrocess of evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socio-economic, cultural and human-health impacts, bot</i> <small>17</small></p> <p><i>hronic process by which the likely effects of a project on the</i></p>	<p>Convention on Biological Diversity (2002)</p>

hrocess of prior examination and appraisal of policies, plans, and programmes and other higher level or pre-project where:

- x a policy is a general course of action or proposed overall direction that a government is, or will be, pursuing and which*
- x a plan is a purposeful, forward-looking strategy or design, often with coordinated priorities, options and measures, that el*

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