



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

Exploring Different Elements to Consider

PAPER VIII

Options for Environmental Impact Assessment Elements^{*}

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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
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 jurisdic

ABNĴ is fragmented between different sectors and regions. There is no overarching international

Once the need for an EIA has been agreed, a scoping process follows that determines the focus, depth and terms of reference for the EIA. The fundamental objective of the scoping process is to identify those issues arising from the proposed activity which are most likely to have a significant

Definition of possible alternatives, including no net biodiversity loss or re alternatives and location, scale, siting, lay out and technology alternatives

An assessment in consultation with the Intergovernmental Panel on Climate Change of the likely impacts on global climate of the proposed activity, whether positive or negative

A description of the methods, data and underlying assumptions used to forecast the impacts of the proposed activity

An identification and description of measures available to prevent or avoid adverse environmental impacts of the proposed activity and alternatives and an assessment of those measures

A description of the effects of the proposed activity on the conduct of scientific research and on other existing uses and values

An identification of whether the proposed activity will affect the with its obligations under customary or conventional international law

An identification of gaps in knowledge and uncertainties encountered in compiling the information required for the EIA and

A non-technical summary of the information provided under the previous clauses.

The duty to notify and consult with affected parties is an integral component of environmental

criteria related to the permissible levels of impact on marine biodiversity in ABNJ and a decision making structure which involves a level of international scrutiny over EIAs prepared by ports of particular activities.

5. Links between EIA Elements and other Components of the International Agreement

The EIA components of an international instrument should be consistent with its overarching objectives and general principles. For example, the EIA process prescribed in the instrument should be focused on the conservation and sustainable use of marine biodiversity in ABNJ. The institutional infrastructure required for the EIA process prescribed in the international instrument should utilise as far as possible existing global and regional organisations with the relevant expertise as the institutions of the instrument itself.

