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Preparatory Committee established by General Assembly resolution 69/292: Development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction - Third session

Agenda item 6: Consideration of environmental impact assessments

**Statement by the delegation of the
Federated States of Micronesia
[Statement #9]**

New York, 5 April 2017

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Thank you, Chair, for giving me the floor.

Micronesia wishes to align itself with the statement delivered by Nauru on behalf of PSIDS and provide additional comments on the issues requiring further consideration.

On your question whether thresholds should be complemented by a list of activities, we are not in a position to support a scenario where an EIA would only be conducted if it is on the list of activities and meets a threshold at the same time.

With respect to whether transboundary impacts should be included in a new instrument, it is our view that such might be necessary. It is important that an environmental impact assessment will inform states of the kinds of impacts that are expected to arise from certain activities in the areas beyond national jurisdiction. It is also important to have some form of universally accepted standards; otherwise, it will be difficult to gauge compliance and conformity with EIA.

On whether a separate procedure is required that will address transboundary environmental impact assessment, this might require a bit more careful consideration. As noted earlier, it is important to have some form of universally accepted standards; and at the same time, we do not wish to establish multiple tracks of procedure that have potential for creating confusion or even conflicting EIA requirements.

On the other hand, regardless of whether a procedure is separate or not, what makes for a substantive difference is the opportunity of coastal or adjacent states to be notified and be given meaningful opportunity to provide input and comments during the EIA process. Where notification to adjacent states is taken for granted or denied, an EIA procedure—whether separate or combined or a combination thereof—would be almost meaningless.

I now turn to the question on whether certain activities already subject to existing instruments and bodies should also be subject to the EIA requirements under this international instrument. For us, this might be a sensitive balancing act. It is generally understood that this instrument should not undermine existing instruments and bodies; however, this question presented is a rather difficult dilemma, and its resolution might depend upon the meaning of the word “undermine”.

It is our view that the EIA mechanism must be holistic and practical. And we also advocated for a robust EIA procedure. So, where an EIA procedure in this international instrument is not as strict as those in the existing instruments or as required by existing bodies, then it is possible that the international instrument is not undermining existing instruments or bodies, but rather reinforcing or strengthening them. In any case, this is one viewpoint, and we perhaps need more time to study and consider this fully.

In closing, Micronesia believes that EIA must be conducted in a fair, transparent, consultative, and standardized manner. National laws alone might be insufficient and ineffective for this purpose, since EIA must be guided by globally accepted standards and practices in conducting it, reviewing its outcome, and in making decisions with respect to it. EIA requires the cooperation of and consultation with adjacent states and affected communities, especially those that have traditional connection to the resources on the high seas.

Thank you.