



Permanent Mission of the Federated States of Micronesia to the UN

300 East 42 Street, Suite 1600
New York, N.Y. 10017

Telephone: (212) 697-8370

Facsimile: (212) 697-8295

e-mail: fsmun@fsmgov.org

<http://www.fsmgov.org/>

Intergovernmental Conference on 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 – Second substantive session

Item 6: Informal Working Group on *Environmental Impact Assessments* (point 5.6)

**Intervention by Mr. Leonito Bacalando Jr.
Assistant Attorney General**

New York, 1 April 2019

Check against delivery

Mr. Facilitator,

Turning to 5.6:1. Regarding Option A under section 1, as expressed on behalf of PSIDs, we subscribe to this option. We would also wish to express our understanding that this option is without prejudice to the duty of due diligence on the part of the State Parties conducting an EIA, or proposing an activity on the ABNJ, or approving such activity.

2. In the same Option A of section (1), firstly, we seek some clarity regarding the word “reported”. Whom should the impact be reported to? We certainly appreciate the suggestion made by EU regarding a possible dedicated website/registry in connection with reporting.

3. Perhaps, the report alluded in this section should be linked somehow to the sections on Compliance—and if such is the case, then that link should be stated with more clarity.

4. Secondly, we question whether the intent behind the express reference made in Option A of Option I to sections 204 to 206 of the Convention is to limit the applicability of monitoring, reporting and review to cases of “pollution” under section 204 and “substantial pollution” and “harmful changes” under section 206.

5. With respect to the section on the involvement of other states, we wish to re-echo the sentiment and preference as expressed on behalf of PSIDs, which is Option III. Furthermore, we wish to supplement that the “active consultation” referred to in that Option should include the idea of giving the Adjacent Coastal States and Small Islands States the opportunity to provide comment, observation and recommendation and that any such comment, observation and recommendation provided shall be given full consideration.

I thank you.