



STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA BY MR. LUIS OCHOA GARCÉS, SECOND SECRETARY OF THE PERMANENT MISSION OF ECUADOR, ON AGENDA ITEM 6: ENVIRONMENTAL IMPACT ASSESSMENTS (EIAs), AT THE 4TH PREPCOM ESTABLISHED BY GENERAL ASSEMBLY RESOLUTION 69/292: DEVELOPMENT OF AN INTERNATIONAL LEGALLY BINDING INSTRUMENT UNDER UNCLOS ON THE CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL DIVERSITY OF AREAS BEYOND NATIONAL JURISDICTION (New York, 12 July 2017)

(Original version)

Mr. Facilitator,

I have the honour to deliver this remarks on behalf of the Group of 77 and China on agenda item 6 regarding environmental impact assessments (or EIAs).

(Obligation to conduct EIAs)

Recalling article 206 of UNCLOS, the Group of 77 and China considers that "when States have reasonable grounds for believing that planned activities under their jurisdiction or control may cause substantial pollution of or significant and harmful changes to the marine environment, they shall, as far as practicable, assess the potential effects of such activities on the marine environment".

(Guiding principles and approaches)

The Group of 77 and China is pleased to see reflected many of our proposals in the Chair's indicative suggestions regarding the principles and approaches guiding the conduct of EIAs. However, we are of the view that the responsibility to protect and preserve marine environment and due diligence should be included among the principles of this section.

The Group is supportive of the other suggestions listed in this section, but is of the view that the point regarding "respect for the territorial integrity and sovereignty of coastal States" could be improved to ensure that it does not give the unintended impression that the rights and interests of coastal States will be given priority over the rights of other States in the conduct of EIAs in areas beyond national jurisdiction.

(Activities for which an EIAs is required)

Mr. Facilitator,

In terms of the legal basis, threshold and criteria for undertaking EIAs, the Group of 77 and China believes that these are reflected in the provisions of UNCLOS, in particular articles 204 and 206. We consider that it is valuable to identify the potential impacts which are relevant for assessment and that such assessment should take into account as many dimensions as possible, including transboundary impacts.

The Group is open to exploring a list of activities that would require an EIA or/and can be exempt

from an EIA requirement. For us, this list can be considered useful only if it is flexible enough and could be regularly updated, in particular to address new emerging activities, uses and advances in technology.

(EIAs process)

Regarding the procedural steps in the conduct of EIAs, the Group of 77 and China has no objection to the procedural steps mentioned in the indicative suggestions as these mostly reflect our proposals.

In terms of who would make the decision following the EIA, including whether an activity would proceed or not and under which conditions; the Group acknowledges that this is an issue concerning institutional arrangements, which is a cross-cutting issue. Nonetheless, we are of the view that this section should include provisions on who will make decisions, including whether the proposed activity would proceed or not.

(Content of EIAs reports)

In terms of the content of the EIAs reports, the Group agrees with the required content of the reports mentioned in this section of the indicative suggestions. We believe that the reports shall remain consistent with articles 205 and 206 of UNCLOS, and that the results shall be published and communicated.

(Relationship to existing EIAs measures under relevant legal instruments and frameworks and relevant global regional and sectoral bodies)

The Group reiterates that we should not duplicate or undermine existing instruments, it is necessary to respect the work of global, regional and sectoral bodies that have already developed frameworks or regulations on EIAs.

(Clearinghouse mechanism)

Mr. Facilitator,

About the modalities and functions of the clearinghouse mechanism, the Group acknowledges that this is a cross cutting issue. Nonetheless, where EIAs are concerned, we are of the view that such mechanism could be useful for providing a central repository for baseline data, an online compilation of good practices as well as reports of EIAs.

(Capacity-building and transfer of marine technology)

For the Group of 77 and China, it is essential that under the new instrument, the special requirements of developing countries must be recognized, taking into account the special needs for assistance of land-locked and geographically disadvantaged developing States, small island developing States, least developed countries, coastal African States as well as the specific development challenges of developing middle-income States.

(Monitoring and review)

The Group of 77 and China consider that the process of monitoring and review shall be based on article 204 of UNCLOS. States shall keep under surveillance the effect of any activities being undertaken following the positive outcome of any EIA.

I thank you

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