



Agenda Item 6 PrepCom 3 March 30 2017

EIAs—IUCN on EIA Governance

Thank you Mr. Facilitator,

IUCN would like to make a few short remarks with respect to EIA governance.

First, regarding a list of prohibited activities, IUCN would suggest that provision should be made for developing such a list even if there is no agreement on what it might contain at this point. An annex on this topic could help to fill the gaps for new or emerging activities that are not covered by existing agreements or bodies.

Second, global level review of EIAs should be required. This is especially relevant for those activities that have the potential to cause a significant level of harm and or a high level of uncertainty. Such a review, will help to ensure consistent, coherent and comprehensive results. It is also important to ensuring that cumulative impacts are not overlooked and that the concerns of the global community are reflected in subsequent decisions

Third, as many have already stated, process for review of EIAs should be open and transparent, subject to consideration by a scientific advisory body, and a global level decision-making process.

Fourth, with respect to review, compliance and other procedures, supportive/facilitative measures may be appropriate to encourage observance of the EIA obligation. You may also wish to consider the potential for seeking advisory opinions from ITLOS, as such advisory opinions have been helpful in clarifying responsibilities of States in the past. If so, specific text, such as that which IUCN has suggested previously, should be included.

Fifth, as others have emphasized, provisions should be included for monitoring and review of activities and their impacts. This may include an expectation of supplemental environmental assessment if an activity is modified or expanded in scale. This will help to ensure that appropriate mitigation actions have been adopted and are in fact effective. It is an essential component of adaptive management.

Thank you for your attention.