**Submission of proposals related to the Further revised draft text of an agreement 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**

**Template**

*Please fill out one form for each article which your delegation(s) or group(s) wish(es) to propose, amend or delete.*

1. **Name(s) of Delegation(s) and/or Group(s) making the proposal in the order that they should be listed in any conference room papers or other documents:**

REPUBLICA DE NICARAGUA

1. **Please indicate the relevant part of the Further revised draft text (as reflected in A/CONF.232/2022/5****[[1]](#footnote-1)) that this proposal relates to, using the drop-down menu below.**

PART IV ENVIRONMENTAL IMPACT ASSESSMENTS

1. **Please indicate the relevant article of the Further revised draft text (as reflected in A/CONF.232/2022/51) that this proposal relates to (if applicable) or indicate if this is a proposal for an additional article**

Article 23

1. **Kindly provide the amendments to the article that are being proposed in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the article that are being amended or deleted - examples are attached for reference.**

**Article 23
Relationship between this Agreement and environmental impact assessment processes under other relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies**

1. The conduct of environmental impact assessments pursuant to this Agreement shall be consistent with the obligations under the Convention. No environmental impact assessment is required under this Agreement for any activity conducted in accordance with the rules and guidelines established under relevant legal instruments and frameworks and by relevant global, regional, subregional and sectoral bodies.

2. The Conference of the Parties shall develop procedures for the Scientific and Technical Body to consult and/or coordinate with relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies with a mandate to regulate activities [with impacts] in areas beyond national jurisdiction or to protect the marine environment. These procedures shall include the establishment of an ad hoc inter-agency working group or the opportunity for participation by representatives of those organizations in meetings of the Scientific and Technical Body.

3. Parties shall cooperate in promoting the use of environmental impact assessments and standards by relevant global, regional, subregional and sectoral bodies, as appropriate.

4. **Option A:** Global minimum standards and guidelines for the conduct of environmental impact assessments shall be developed by the Scientific and Technical Body through consultation or collaboration with relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, for consideration and adoption by the Conference of the Parties. Such global minimum standards and guidelines shall be set out in a resolution that and shall be updated periodically.

5. No environmental impact assessment of a [planned] [proposed] activity under the jurisdiction or control of a Party [with impacts] in areas beyond national jurisdiction shall be required where the Party with jurisdiction or control over the [planned] [proposed] activity determines that:

**Option 1:** (a) The threshold for the conduct of the environmental impact assessment meets or exceeds the threshold set out in this Part;

(b) The activity has been subject to a recent environmental impact assessment under other environmental impact assessment obligations and agreements;

(c) The environmental impact assessment already undertaken is substantively equivalent to the one required under this Part and is comparably comprehensive, including with regard to such elements as the assessment of cumulative impacts.

[6. Where a [planned] [proposed] activity falling under the jurisdiction of a Party has the potential to have impacts/effects in areas beyond national jurisdiction and meets or exceeds the threshold criteria for the conduct of environmental impact assessments set out in this Part, it shall be subject to an environmental impact assessment that is substantively equivalent to the one required under this Part. The Party shall:

(a) Submit the impact assessment to the Scientific and Technical Body for its input and recommendations;

(b) Ensure that approved activities are subject to monitoring, reporting and review in the same manner as provided in this Part;

(c) Ensure that all reports are made public in the manner provided in this Part.]

8. [Planned] [Proposed] activities that meet the criteria set out in paragraph 5 shall be subject to monitoring, reporting and review in the same manner as provided in this Part and reports are to be made public in the manner provided in this Part.

1. **Rationale for the proposal, if any.**

To ensure compliance with Resolution 742/249 that mandates that this process and its result should be fully consistent with the provissions of UNCLOS and should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies and promote collaboration and secure universal participation, this agreement should include provissions that: a) Avoid any action that may imply a sign of interference with the competences and procedures of the corresponding specialized body;

1. Currently available as an advance, unedited, version on the website of the IGC: [Fifth substantive session (un.org)](https://www.un.org/bbnj/fifth_substantive_session) [↑](#footnote-ref-1)