



ICELAND

Ministry for Foreign Affairs

Statement by

Dr. Matthías G. Pálsson

Minister Counsellor

Environmental Impact Assessments – Parts 5.1 and 5.2 (item 6)

at the meeting of the
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 session

New York

2 April 2019

Mr. Facilitator.

On Part 5.1 Obligation to conduct environmental impact assessments

In this section Iceland supports Option I in paragraph one, referring to the relevant applicable Articles of UNCLOS. However, we are not willing to refer to applicable customary international law, this is much too unclear and vague.

We support Option II in paragraph 2, as we do not foresee that a BBNJ body should decide on binding measures for the regional and sectoral bodies, and support point (a) as a useful delimitation.

In paragraph 3 we like to work from Option I, as Option II would entail that States might be required to conduct EIA's in their own jurisdiction for the benefit of ABNJ, regardless of whether such an obligation is present within their own jurisdiction, which we do not support.

As regards Part 5.2 on Relationship to environmental impact assessment processes under relevant instruments, in paragraph (1) we are comfortable with the reference to the Convention, but less with the reference to customary law which in our view is too wide and needs more specific reference.

For paragraph (2) in this section on relationship with processes under other instruments Iceland strongly supports Option I, which contains the crosscutting element of "not undermine". This clause could also be well placed in General Part of the Agreement. We also support Option II, while noting that option I and II are not mutually exclusive, as Option II deals with interpretation, while Option I deals with the relationship to other legal instruments and framework and could thus deal with factual issues such as substantive overlap or duplication of content.

In paragraph 3 we can support the consultations between BBNJ-bodies and relevant global, regional and sectoral bodies, insofar as the BBNJ bodies do not have decision making power or a superior position in comparison to the other bodies.

In paragraph (4) we opt for Option I sub-option b, regarding the development of guidelines, but we would like the paragraph to prescribe that the relevant global, regional and sectoral bodies should be consulted or this work undertaken in collaboration with them.

In paragraph (5) we support Option II, which is in line with the mandate of the UNGA resolution not to undermine existing legal instruments. However, we could accept Option I while we need a fuller clarity on who evaluates what guidelines are appropriately established. Option III is not acceptable in this context, as it seems to subject existing bodies to standards and evaluation of the global level.

Option IV implements a duty under the BBNJ on states to have existing bodies conduct EIAs according to BBNJ standards or higher. We do not consider it appropriate to impose duties through the BBNJ on existing bodies or frameworks and which might fall under other international agreements, so we do not support this Option.

Thank you, Mr. Facilitator.