

SINGAPORE’S INTERVENTION ON AGENDA ITEM 6: CONSIDERATION OF THE SUBJECT MATTER REFERRED TO IN PARAGRAPHS 1 AND 2 OF GENERAL ASSEMBLY RESOLUTION 72/249, ENVIRONMENTAL IMPACT ASSESSMENTS, AT THE SECOND SESSION 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, 2 APRIL 2019

5.2 Relationship to EIAs under relevant instruments, frameworks and bodies

My delegation associates ourselves with the statement made by Palestine for G77 and China.

Beginning with 5.2, sub-section (1), we share the sentiments of many delegations on the appropriateness of the reference to “customary international law”. We need to know what the proponents of this language envisage which is different from what is set out in Articles 204 to 206 of the Law of the Sea Convention. It may be that the phrase was included to cater to the possibility that non-Parties to the Convention may become parties to the BBNJ Instrument. If that is the case, we have no objection to reproducing the relevant Articles in the Instrument itself.

Turning to sub-section (2), our preference is for Option I. One of the problems we face with Option II is that we do not understand what terms like “*to respect the obligations in other relevant instruments*” mean in the context of what we are trying to achieve.

On sub-section (3), we have no issues with Option I, and sub-paragraph (a) as they are currently set out, although the placement of these provisions could be in the cross-cutting part of the Instrument.

On sub-section (4), my delegation is still considering the options before us. We do however wish to register our reservations with Option II, sub-paragraph (b). We take the position that this Instrument cannot impose obligations on the other instruments and frameworks and relevant global, regional and sectoral bodies.

Turning to sub-section (5), we are still considering the options. We do however have reservations to Option III, sub paragraph (b). As has been pointed out by Canada, it is unclear who “determines” that the minimum standard set out in this Instrument has been met. The paragraph as currently drafted seems to suggest that it is the body established under this Instrument that does that determination. This implies a hierarchical rather than a complementary relationship between the body under this Instrument and the relevant global, regional and sectoral bodies.

5.1 Obligation to conduct EIAs

On 5.1, we have taken heed of your request that we do not need to intervene if a point has already been made by other delegations. We have just two observations. First, in relation to sub-section (1), there is a possibility for the merger of both Options I and II. Second, with respect to sub-section (2) our preference is for Option II. However, we suggest the text “*in line with Article 206 of the Convention*” be substituted with “*as set out in Article 206 of the Convention*”, because Art 206 in fact, contains the threshold referred to.