

The role of SEA, CIA & EIA within the High Seas Treaty



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THE HIGH SEAS TREATY (Chapter XXI, LAW OF THE SEA)

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

*89 Signatories; 4 Ratifications (Belize, Chile, Palau, Seychelles);
enter into force 120 days after the date of deposit of the 60th
ratification.*

THE HIGH SEAS TREATY (Article 7; General principles and approaches)

- (a) The polluter-pays principle;
- (b) The principle of the common heritage of humankind which is set out in the Convention;
- (c) The freedom of marine scientific research, together with other freedoms of the high seas;
- (d) The principle of equity and the fair and equitable sharing of benefits;
- (e) The precautionary principle or precautionary approach, as appropriate;
- (f) An ecosystem approach;
- (g) An integrated approach to ocean management;
- (h) An approach that builds ecosystem resilience, including to adverse effects of climate change and ocean acidification, and also maintains and restores ecosystem integrity, including the carbon cycling services that underpin the role of the ocean in climate;
- (i) The use of the best available science and scientific information;
- (j) The use of relevant traditional knowledge of Indigenous Peoples and local communities, where available;
- (k) The respect, promotion and consideration of their respective obligations, as applicable, relating to the rights of Indigenous Peoples or of, as appropriate, local communities when taking action to address the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction;
- (l) The non-transfer, directly or indirectly, of damage or hazards from one area to another and the non-transformation of one type of pollution into another in taking measures to prevent, reduce and control pollution of the marine environment;
- (m) Full recognition of the special circumstances of small island developing States and of least developed countries;
- (n) Acknowledgement of the special interests and needs of landlocked developing countries.

THE HIGH SEAS TREATY (Part IV, Articles 27-38, EIA; 39, SEA)

- 27, Objectives. EIA; CIA; SEA. Coherent EIA framework for activities in ABNJ. Build and strengthen capacity of Parties to prepare, conduct and evaluate EIA and SEA under the Agreement.
- 28, Obligation to conduct EIA. Activities under Parties' jurisdiction or control BNJ. **Parties determines significant impacts in their activities BNJ.**
- 31, Process for EIAs. All decisions must be informed through the Clearing-House Mechanism. Screening; scoping; IA and evaluation; prevention, mitigation and management of potential adverse effects. List of experts by the Scientific and Technical Body.
- 32, Public notification and consultation. Clearing-House Mechanism.

THE HIGH SEAS TREATY (Part IV, Articles 27-38, EIA; 39, SEA)

- 33, EIA reports.
- 34, Decision-making. Decision documents shall be made public, including through the Clearing-House Mechanism.
- 35, Monitoring of impacts of authorized activities.
- 36, Reporting on impacts.
- 37, Review of authorized activities and their impacts.
- 38, Standards and/or guidelines to be developed by the Scientific and Technical Body related to EIA
- 39, Strategic Environmental Assessments

THE ROLE OF EIA, CIA and SEA WITHIN THE HIGH SEAS TREATY

- **EIA**
- Is the main process considered; its use within national jurisdiction areas is not affected; its use in ABNJ must be attended through the development of new guidance.
- Clearing-House Mechanism and Scientific and Technical Body are key elements. IAIA or IAIA members should be considered in the Scientific and Technical Body under this agreement.
- IAIA must seek to contribute to the development of guidance for using EIA in ABNJ.

- **CIA**
- It's a key part of the initial analysis to define if the planned activity may cause significant impacts to the marine environment (screening stage).
- It's a key indicator for the criteria to identify and establish Marine Protected Areas BNJ (also with transboundary impacts)

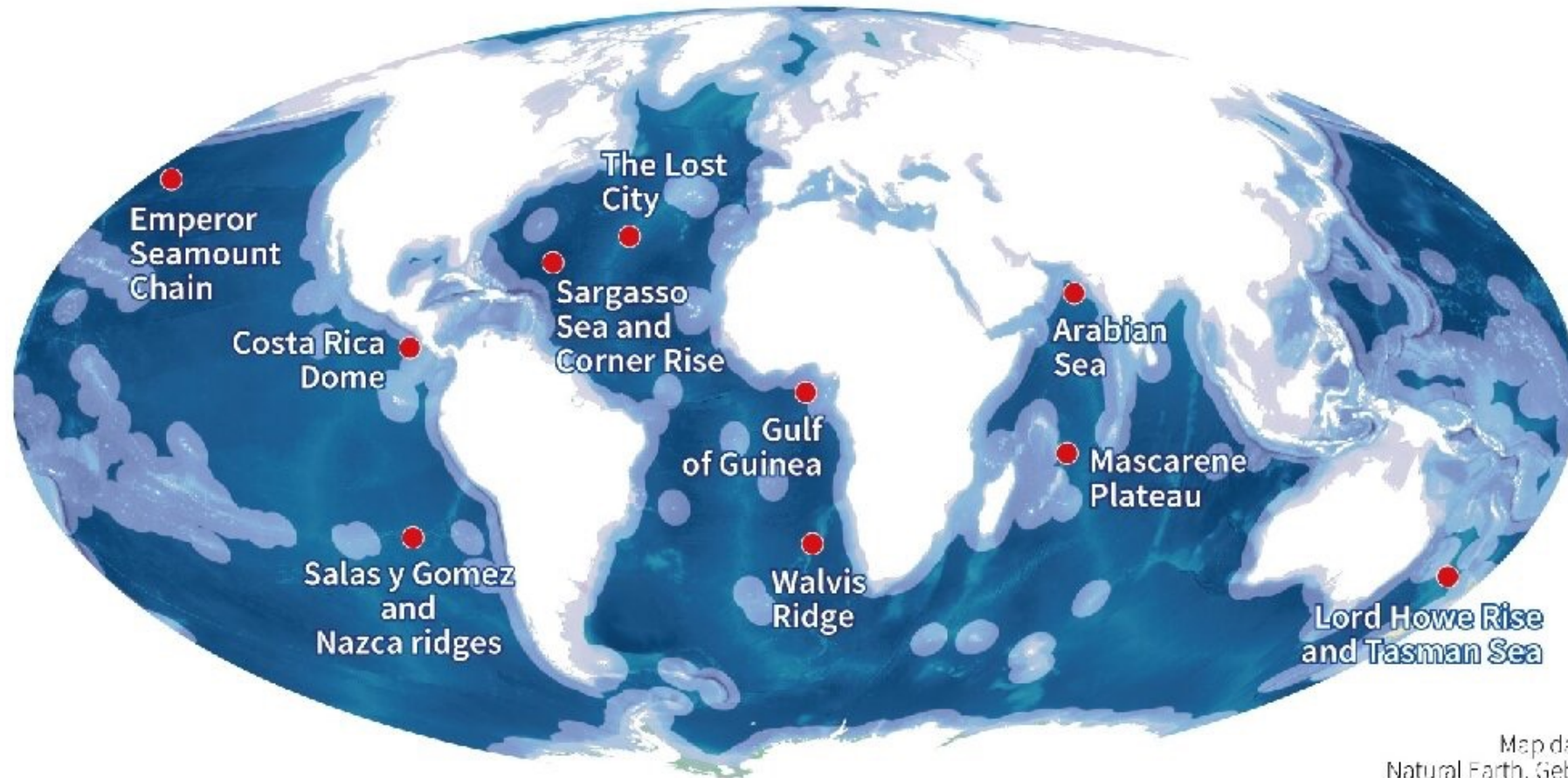
- **SEA**
- Needs to be strengthened within the Agreement because in the writing it is left as an optional thing to do.
- It is necessary to expand its description in the Agreement up to the EIA level of detail.

Proposed marine protection areas

■ Exclusive economic zones (EEZ*)

■ High seas

● Proposed protection zones in the high seas



Map data:
Natural Earth, Geboo

Sources: NGOs Pew and High Seas Alliance,
Chilean authorities, Marine regions

* up to 200 nautical miles maximum from the coasts (370 km)

Let's continue the conversation!

Post questions and comments in the IAIA24 app.



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