



**Prepcom
29 March 2016 afternoon
Agenda Item 7. Scope**

Intervention Greenpeace, Pew, NRDC for High Seas Alliance

Thank you Chair and good afternoon delegates

I am speaking for Greenpeace, the Pew Charitable Trust, NRDC and the High Seas Alliance.

HSA with many other delegates who have spoken before considers that the scope of the new instrument should be comprehensive. We agree with the many previous speakers that the starting point for the negotiations must be the Package. We would like to emphasize several points in this regard.

First, A comprehensive instrument should establish a framework to enhance cooperation and coordination between States and the institutions through which States act, to ensure that their obligations related to the conservation of marine biodiversity under UNCLOS, the Instrument and other agreements, are met. We endorse the comments made by delegations earlier made in this respect.

Second, The resolution stresses the need for a “comprehensive global regime”. Thus, there is consensus that the current piecemeal and sectoral system of ocean governance for ABNJ is not sufficient. Only an instrument that is comprehensive in scope with ecosystem-based management (EBM) at its core can achieve the major change that is warranted.

In this regard, fish and the species, habitats and ecosystems impacted by high seas fisheries are important, and some of the most threatened, components of marine biodiversity in ABNJ. Therefore the Instrument should not exclude any sectoral activity, including fishing.

Mr Chair: it is difficult to identify criteria or indicators which provide pointers to determine undermining. It is of course in resolution 69/292 and therefore a guide to our discussions. But it may be more helpful in practical terms to develop modes of collaboration and cooperation with partners such as regional or sectoral organizations to better achieve our objectives. To this end, we note that to name a few, the EU, Tonga, FSM, and Norway mentioned the need to complement other regimes, and the EU mentioned enhance sectoral, regional and global regimes. Helpfully, Norway suggested that it is a question not of if, but how, fisheries are addressed.

We hope that these will help us to move beyond the debate over whether to include fisheries, and instead focus on how fish can best be incorporated into a regime that protects biodiversity and can complement and enhance existing institutions or frameworks. In this way, the scope of the instrument can emerge from its intended achievements, rather than serve as a limit to our ambitions.

Third, we support the proposal by Nauru for the PSIDs that the scope should include living resources on top of the water, in it, on the soil, in the soil and underneath it in areas beyond national jurisdiction.

Further, the Instrument should address State Parties and non-State Parties

The new legal instrument will establish legally binding obligations for its State Parties. However, in order to successfully fulfill the Instrument's objectives, States should consider operational provisions relating to engaging with non-parties concerning activities under their jurisdiction or control. This can be done by building on the approach used by the UN Fish Stocks Agreement, where activities of non-Parties are addressed under Articles 17 and 33. These articles are based on the legal obligation of all UNCLOS parties to cooperate for the conservation and management of straddling and highly migratory fish stocks, mandate respect for measures established by competent organizations, and includes measures to exchange information and deter activities of vessels flagged to non-Parties which undermine the effectiveness of the Agreement.

Mr Chair, in developing the new legal instrument, States could adopt a similar approach, building on UNCLOS Article 197, which establishes a similar duty for all UNCLOS Parties to cooperate to protect and preserve the marine environment.

Thank you Mr Chair.