



High Seas Alliance
Agenda Item 6
Intervention Day 8
IGC2 4 April 2019
Cross cutting: Definitions - Wednesday afternoon

Definitions (Duncan)

Thank you Madam President

This intervention is by the High Seas Alliance.

In **Paragraph 15** on page 5, for “**Area based management tool**,” we suggest a formulation following prefer **Option I** slightly modified to read: “A **management measure** applicable in a specified area designed to achieve the objectives of this Instrument.”

For **Paragraph 16**, “**marine protected area**,” we note that the proposed definition draws from Article 2 of the Convention on Biodiversity (CBD). We consider this definition too broad as it fails to clearly distinguish MPAs from other area-based measures that may be short term, single sector, or single habitat/species, and instead suggest that the definition refer to areas that can be “**established**” rather than simply “designated” without any management measures in place. Further, well designed, managed and enforced marine protected areas, including areas where no human activity is allowed, are key elements to maximize conservation and ecosystem benefits and to build ocean resilience against cumulative impacts of human activities and climate change.

To better capture this, we suggest the following definition of a “**Marine protected area**” to be “*a geographically defined marine area which is **established under this instrument where human activities are regulated, managed or prohibited to achieve long-term biodiversity conservation.***” We join New Zealand in emphasising long-term.

We do want to note that it is important that the definition of “cumulative impacts” includes climate change and ocean acidification as well as other effects, not just effects of anthropogenic activities.

We do have one additional definition, being that “For the purposes of this instrument, “**planned activities under a State’s jurisdiction or control**” includes activities over which the State has effective control or exercises jurisdiction in the form of licensing or funding of the activities, or in which the proposed activity is organized or from which it proceeds.” This

definition draws from the Madrid Protocol and Antarctic Treaty and is intended to capture all activities.

We have additional suggestions regarding definitions, and principles but as they are lengthy, and we will submit to papersmart.

Thank you Madame President

[For submission to Papersmart]

Firstly, for paragraph 17, we suggest consistently referring to the definition of cumulative impacts so they are threaded consistently through the agreement. We suggest, and I quote:

“Cumulative effects mean the effects of an activity when added to the effects of other past, present and reasonably foreseeable future activities and effects, including climate change, ocean acidification and related effects, regardless of whether a State Party exercises jurisdiction or control over those activities or effects.”

For paragraph 18. **Strategic environmental impacts:** we prefer option I and suggest [a protocol modified from the Kiev Protocol]

the following definition modified from the Kiev Protocol: *“SEA means the evaluation of the known or likely effects of plans, programs and measures on ABNJ, taking into account inter-related socioeconomic, cultural and human health impacts.”*

For Paragraph 19: **Environmental Impact assessment:** We suggest the following simple definition: *“a process to evaluate the environmental impacts, including cumulative impacts, of a proposed activity.”* The EIA table we have submitted to PaperSmart contains a lengthy list of instruments, declarations, etc that require cumulative impact assessment as part of of modern impact assessment.