



High Seas Alliance  
 Agenda Item 6  
 Intervention Day 10 High Seas Alliance  
 Agenda Item 6  
 Intervention Day 10  
 IGC2 5 April 2019  
 Cross cutting: Friday

Thank you Madam President

We agree with many other delegations that principles should be addressed in one single section applying to all elements of the package to ensure coherent integration and avoid duplication. We believe that they inform the entire agreement, and that ABMT and EIA sections in particular, while being discussed separately at the moment, have many linkages. The principles apply to and inform the entire agreement.

We particularly highlight transparency, (111.1.1.s 111.1.2 (t) II.1.3(a) III.1.4(k) and 111.1.S(p)) for example, the precautionary principle (II.1.3(b) III.1.4(c) and III.1.2(m)), (and we support the African Group and Marshall Islands that it is a principle, not just an approach), science-based approach, (II.1.3(c) and III.1.1(m) and 111.1.4U)) ecosystem approach (111.1.1.U) and II.1.3(e)) and the polluter pays principle (111.1.4(O)).

We discuss this in further detail in our papersmart submission.

For Papersmart:

In particular, key principles and approaches guiding action on all the elements are:

- Transparency, accountability and inclusivity, including the three pillars being access to information, public participation, and access to justice
- International cooperation and coordination
- The precautionary principle. (we support the African Group)  
 In that regard, we believe that it is important to convey that it is a binding principle rather than an approach.

- Science based approach and use of best available science, information and traditional knowledge
- The ecosystem approach
- The polluter pays principle
- The protection, preservation and restoration of the marine environment, including ecologically significant, rare or fragile ecosystems as well as the habitats of depleted, threatened or endangered species and other forms of marine life.
- Intra and intergenerational equity
- stewardship on behalf of present and future generations in their management of marine resources and activities affecting biodiversity in ABNJ.

### Scope of Application

With respect to Scope of Application, and 2.1 on geographical scope, on (1), as phrased, we suggest that it read: "The provisions of this instrument apply to [activities conducted in or that have effects on] areas beyond national jurisdiction."

### On the Relationship of Instrument to the Convention and other instruments

On Paragraph 4, on Relationship of Instrument to the Convention and other instruments, we reiterate the recommendation by many delegations to have this covered in one place applicable to the entire agreement

For sub-paragraph 2, we prefer Option II, which mirrors the language found in UN GA resolutions 69/292 and 72/249. As many delegations have noted, that is the agreed language which governs the relationship with regional and sectoral organizations.

We agree with the Marshall Islands that it is helpful to understand "not undermining" as "not undermining *the effectiveness of* existing relevant legal instruments and frameworks" as this understanding is consistent with the use of that term in the Fish Stocks Agreement. We believe this is our lodestar (a useful analogy as that is a star that is used to guide the course of a ship).

Thank you Madam President

IGC2 5 April 2019  
Cross cutting: Friday

Thank you Madam President

We agree with many other delegations that principles should be addressed in one single section applying to all elements of the package to ensure coherent integration and avoid duplication. We believe that they inform the entire agreement, and that ABMT and EIA sections in particular, while being discussed separately at the moment, have many linkages. The principles apply to and inform the entire agreement.

We particularly highlight transparency, (111.1.1.s 111.1.2 (t) III.1.3(a) III.1.4(k) and III.1.5(p)) for example, the precautionary principle (II.1.1.3(b) III.1.4(c) and III.1.2(m)), (and we support the African Group and Marshall Islands that it is a principle, not just an approach), science-based approach, (II.1.1.3(c) and III.1.1 (m) and 111.1.4U)) ecosystem approach (111.1.1.U) and III.1.3(e)) and the polluter pays principle. (111.1.4 (0)).

We discuss this in further detail in our papersmart submission.

For Papersmart:

In particular, key principles and approaches guiding action on all the elements are:

- Transparency, accountability and inclusivity, including the three pillars being access to information, public participation, and access to justice
- International cooperation and coordination
- The precautionary principle. (we support the African Group)  
In that regard, we believe that it is important to convey that it is a binding principle rather than an approach.
- Science based approach and use of best available science, information and traditional knowledge
- The ecosystem approach
- The polluter pays principle
- The protection, preservation and restoration of the marine environment, including ecologically significant, rare or fragile ecosystems as well as the habitats of depleted, threatened or endangered species and other forms of marine life.
- Intra and intergenerational equity
- stewardship on behalf of present and future generations in their management of marine resources and activities affecting biodiversity in ABNJ.

### Scope of Application

With respect to Scope of Application, and 2.1 on geographical scope, on (1), as phrased, we suggest that it read: "The provisions of this instrument apply to [activities conducted in or that have effects on] areas beyond national jurisdiction."

### On the Relationship of Instrument to the Convention and other instruments

On Paragraph 4, on Relationship of Instrument to the Convention and other instruments, we reiterate the recommendation by many delegations to have this covered in one place applicable to the entire agreement

For sub-paragraph 2, we prefer Option 11, which mirrors the language found in UN GA resolutions 69/292 and 72/249. As many delegations have noted, that is the agreed language which governs the relationship with regional and sectoral organizations.

We agree with the Marshall Islands that it is helpful to understand "not undermining" as "not undermining *the effectiveness of* existing relevant legal instruments and frameworks" as this understanding is consistent with the use of that term in the Fish Stocks Agreement. We

believe this is our lodestar (a useful analogy as that is a star that is used to guide the course of a ship).

Thank you Madam President