

## **Crosscutting Intervention: Principles – September 8 Greenpeace, and the High Seas Alliance**

Thank you Chair and good morning delegates

I am speaking for Greenpeace and the High Seas Alliance

We thank the delegations that have gone before us, and support the intervention of IUCN. For the sake of completeness we would like to outline the suggested principles that we shared in the first Prepcom in the document entitled *Governance Principles Relevant to Marine Biodiversity in Areas Beyond National Jurisdiction* which is available on the DOALOS's website under the first Prepcom session. For brevity we will focus on the principles that have not been cited so far, but will include all principles in the document that we will submit to Papersmart. In following Singapore's intervention, we discuss operationalising the principles we have suggested in our paper on the Chair's website. I am pleased to say, we narrowed it down from a billion possible ones, to only 10 core principles.

We would suggest that, as was done in the FSA, principles be included in a stand-alone article early in the Convention.

Firstly, Mr Chair, **protection and restoration of the health, productivity and resilience of oceans and marine ecosystems, and maintenance of their biodiversity, in areas beyond national jurisdiction.** This can be operationalized through area-based management tools, including marine protected areas and reserves, environmental impact assessments and capacity-building and the transfer of marine technology. Provisions where parties will cooperate to take into account cumulative impacts and limit competing activities which could lead to the degradation of the marine environment or marine biodiversity could also contribute to putting this principle into effect.

Secondly, **the sustainable and equitable use of marine life for the benefit of present and future generations.** As far as operationalising this is concerned, this principle can be implemented through responsibility for the fulfillment of international obligations concerning the protection and preservation of the marine environment in ABNJ. It can also be implemented through affirmation that States are responsible for conserving biological diversity in ABNJ for present and future generations.

Thirdly, **ongoing co-operation between and among States to achieve the purposes of the Agreement.** Both the obligation of cooperation and the precautionary approach has been emphasised by the International Tribunal for the Law of the Sea, most recently in Case 21 on flag State responsibility. With respect to marine biodiversity, article 117 of the Convention provides that all States have the duty to take or cooperate with other states in taking, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas. Our paper discusses this in more detail. In operationalising this, cooperation is likely to be at the heart of the agreement.

The agreement could include a duty to cooperate on a global and regional basis for the conservation and sustainable use of marine biodiversity in ABNJ.

Mr Chair, finally, as to the use of precautionary“principle” versus “approach”, we support the use of the word ‘principle’: the difference is more than semantic: a principle can be objective, mandatory and enforceable, whereas an approach may be seen as more subjective. For these reasons, the precautionary principle is the preferred formulation, as is formulated in the OSPAR Convention in Article 2 and the Helsinki Convention in Article 3.<sup>1</sup>

Thank you Mr Chair

**Other principles already discussed by delegations:**

- Use of the best available scientific information.
- Stewardship of the global marine environment for present and future generations.
- The precautionary principle.
- Ecosystem based management.
- Good environmental governance, including access to information, public participation and access to review procedures.
- The polluter pays principle
- Respect for the law of the sea.

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<sup>1</sup> Convention on the Protection of the Marine Environment of the Baltic Sea Area. Helsinki, Finland. Entered into force 17 January 2000. At [http://www.helcom.fi/PublishingImages/about-us/convention/Helsinki%20Convention\\_July%202014.pdf](http://www.helcom.fi/PublishingImages/about-us/convention/Helsinki%20Convention_July%202014.pdf).