



INTERVENTION AT BBNJ IGC 2

5 April 2019

Objectives, Principles, and Relationship with UNCLOS

Thank you, Madam President. I would like to address briefly the objectives and principles for the BBNJ instrument and its relationship with UNCLOS.

Consistent with the approach taken in the 1995 Fish Stocks Agreement, the ICPC believes that the BBNJ instrument should state its objectives. We prefer the language stated in Part I, Section 3, Paragraph 1. Although most of the discussion within the IGC has focused on the conservation element, the ICPC believes that the instrument must also promote sustainable use, consistent with the U.N. General Assembly's direction in Resolution 72/249.

Moreover, to give meaning to these dual objectives, the ICPC believes that the BBNJ instrument's principles should reflect those in the UNCLOS preamble addressing sustainable development. Many of these are already included in Section 1 of the Aid to Negotiations. The UNCLOS preamble recognizes "the desirability of establishing through this Convention, with due regard for the sovereignty of all States, a legal order for the seas and oceans which will facilitate international communication." The BBNJ instrument should do the same. The BBNJ instrument should also take into account the particular international communications needs of small island developing states. The ICPC also strongly supports the principle that conservation measures be based on the best scientific evidence available.

Finally, with respect to the relationship between the BBNJ instrument and UNCLOS, the ICPC notes that U.N. General Assembly Resolution 72/249 reaffirms that "the work and results of the conference should be fully consistent with the provisions of" UNCLOS. To give meaning to that language, and to avoid interpretive disputes, the BBNJ instrument should be framed in its title as an UNCLOS implementing agreement. It should also state, as the 1995 Fish Stocks Agreement does, that nothing in this Agreement shall prejudice the rights, jurisdiction and duties of States under UNCLOS and that the BBNJ instrument should be interpreted and applied in the context of and in a manner consistent with UNCLOS.

Thank you, Madam President, for considering the ICPC's preferences with respect to these cross-cutting issues.