

COMMENTS FROM ARGENTINA

1) Page 359, line 29. ARGENTINA insists on the problem of the reference to "Falklands Plateau", which constitutes a **wrong toponymy**. This expression should be replaced by "Falklands/Malvinas Plateau". Additionally, in accordance to Editorial Directive ST/CS/SER.A/42, this reference should be accompanied by the standard disclaimer set forth in administrative instruction ST/AI/189/Add.25/Rev.1 of 20 January 1997 by a note or footnote reading: "A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas)."

2) Page 890. *"the same time, while there is widespread coverage by regional instruments relevant to the implementation of aspects of the United Nations Convention on the Law of the Sea and the Fish Stocks Agreement (United Nations, 2017b), still some gaps remain."*

Argentina would strongly prefer that the word "gap" is replaced with "challenges".

We believe that an in-depth analysis on the application of the regulations issued by Regional Fisheries Management Organizations and their efficiency in the conservation field should be carried out, especially considering that this type of organizations tend to favor the interests of large long-distance fishing fleets that are usually subsidized.

3) Precautionary principle. Argentina suggests replacing it by precautionary approach in line with the Rio Declaration. In particular, in the following references:

i. Page 296: "Proposed development and other anthropogenic changes should be treated using the precautionary **APPROACH**".

ii. Page 738: "At this stage, many regulations that are based on insufficient data have adopted the precautionary **APPROACH**".

iii. Page 855. Argentina also suggests deleting this statement as there is not international agreement:

"The precautionary approach, as reflected in Principle 15 of the 1992 Rio Declaration on Environment and Development, which states that, where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation, has been incorporated into an increasing number of international treaties and other instruments ~~and is now considered as part of customary international law~~ (see, for example, Advisory Opinion of the Seabed Disputes Chamber of the International Tribunal of the Law of the Sea, ITLOS (2011), para. 125)."

Regarding the quotation related to the Advisory Opinion, it should be noted that in said precedent it is not stated that the "precautionary approach" constitutes customary international law. The fact that within the framework of the Authority and the mineral exploration activities in the Area, Member States have agreed that this approach had a binding nature does not make it so in other areas. Furthermore, paragraph 135 of said opinion states "In the opinion of the Chamber, this has initiated a tendency to make this approach part of customary international law", which does not imply in any way that such process has concluded, especially when - as noted above - there is no international consensus regarding

said status. In any case, it does not correspond to the content of WOA II to prejudge the legal nature of the "precautionary approach", so that statement should be deleted.

4) Page 417. Argentina suggests the follow wording:

"The Convention on Biological Diversity (CBD) has worked to promote ~~international agreement on developing~~ the development of representative networks of MPAs and other effective area-based conservation measures (OECMs) with a 2020 target of 10 per cent of the total marine area (CBD, 2010). It has also initiated a programme to identify EBSA (CBD, 2009)."

CBD has not reached an international agreement to the development of MPAs. However, through the Aichi targets, which are considered a global framework with flexible characteristics, and the EBSAS process, it has promoted the development of these types of initiatives.

5) Page 768. Argentina suggests the following wording:

"NIS are also implicated in other global policy documents, especially those pertaining to biodiversity given the negative relationship between the two. For example, the Convention on Biological Diversity (CBD) recognizes the threat of ~~NIS~~ **ALIEN SPECIES FOR IN-SITU CONSERVATION** and article 8(h) of the Convention states that, each contracting party shall, as far as possible and as appropriate, prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species. Also, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) has recognized the negative impacts of ~~NIS~~ **INVASIVE ALIEN SPECIES** around the world and has started a process for the assessment of these species."

NIS is not used in CBD. The wording used in CBD is related to alien species for the in situ conservation. Invasive Alien Species is issued by IPBES in the Invasive Alien Species Thematic Assessment.

6) Page 859. Argentina suggests this wording:

"The indicator and global targets for MPAs as identified under the CBD are currently under revision through **THE PROCESS OF NEGOTIATION OF** the CBD post 2020 **GLOBAL BIODIVERSITY** framework."