



KINGDOM OF BELGIUM

Gouvernement Princier  
PRINCIPAUTÉ DE MONACOCOSTA RICA  
GOBIERNO DEL BICENTENARIO  
2018 - 2022

## Guiding Questions

### Principles and Approaches | Preamble & Scope of Application

1-2 September 2021

The High Seas Treaty Dialogue in September will focus on Principles and Approaches and Preamble and Scope of Application.

**Guiding Questions** which could be considered for the dialogue are set out below:

#### I. **September 1: Principles and Approaches**

Session Moderated by Dire Tladi

*This session will include time set aside during the last hour of the dialogue to exchange views on process, and the intersessional programme.*

#### **Principles and Approaches**

**Q.1** What in the view of your delegation is the purpose of enumerating Principles and Approaches? How would the enumerated Principles/Approaches affect the agreement? Put differently, how would they interact with other parts of the agreement? Would they affect rules of international law outside the BBNJ agreement (e.g. the UNCLOS)?

Is the current treatment in terms of placement appropriate? In other words, might these principles/approaches be integrated into the more operational parts of the agreement, or might they be moved to the preamble?

How can Principles and Approaches be better operationalized?

**Q.2** In the light of the above, are there any principles/approaches currently in article 5 that should:

- (a) absolutely be included
- (b) absolutely be excluded
- (c) be amended

**Q.3** Are there any additional principles/approaches not currently in article 5 that should be included or referred to? In this context, might the preambular paragraph alluding to intergenerational equity be included in the text of article 5?



**Q.4** Should the Agreement refer to the precautionary “principle” or “approach”?

### **Discussion on the Intersessional Period**

An open discussion on how the next 6+ months be used most productively.

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## **II. September 2: Preamble and Scope of Application**

Session Moderated by Gabriele Goettsche-Wanli

### **Preamble**

**Q.1** Do delegations consider that the current paragraphs in the President’s revised draft text of an agreement could be included in the preamble of the future agreement? What are delegations’ understanding of “acting as stewards of the ocean in areas beyond national jurisdiction on behalf of present and future generations”? What does it entail?

**Q.2** Are there any additional elements that should be reflected in the preamble and/or elsewhere in the future agreement? (For example, delegations have submitted proposals to the President’s revised draft text of an agreement, and the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment recommended in his report to the 75th session of the General Assembly that “[t]o protect human rights, healthy ecosystems and biodiversity, States should ... [e]nsure that the proposed agreement on the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction includes appropriate consideration of human rights”).

### **Application**

**Q.3** Should any vessels be excluded from the scope of application of the agreement? What about aircraft?

**Q. 4** Does article 8 on “Application” in the President’s revised draft text apply only to Part II of the future agreement or the entire agreement? Are there any elements in article 8 that should be added or be removed?