



The Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill

Dr Jan Wright

Summary of Recommendations

1. The purpose of the Bill is not consistent with our obligation under the UN Convention on the Law of the Sea. The purpose should reflect our duty to protect and preserve the marine environment.
2. The Bill requires consistency with the UN Convention on the Law of the Sea but not the UN Convention on Biological Diversity. The Bill should be consistent with both commitments.
3. Currently only adverse environmental effects of activities can be taken into account. Positive environmental effects of activities should also be taken into account, as occurs in the RMA.
4. a) The Bill promotes 'favouring caution' yet fails to define 'caution'. The internationally accepted definition of the precautionary approach should be used to define 'caution'.

b) The definition of 'adaptive management' is not consistent with case law developed under the RMA and should be amended to prevent serious or irreversible effects.
5. Clause 61(2) overrules all other considerations listed in the purpose and principles of the Bill. This is a serious error that needs to be corrected.
6. Currently there are no laws which allow for the creation of marine reserves in the EEZ and ECS. Progressing the Marine Reserves Bill 2002 will fix this.