



INTERVENTIONS ON BEHALF OF THE GROUP OF 77 AND CHINA, BY MR. EMAD MORCOS MATTAR, COUNSELLOR, PERMANENT MISSION OF EGYPT TO THE UNITED NATIONS, ON AGENDA ITEM 7: MEASURES SUCH AS AREA-BASED MANAGEMENT TOOLS, INCLUDING MARINE PROTECTED AREAS, AT THE FIRST SESSION OF THE INTERGOVERNMENTAL CONFERENCE ON AN INTERNATIONAL LEGALLY BINDING INSTRUMENT UNDER UNCLOS ON THE CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL DIVERSITY OF AREAS BEYOND NATIONAL JURISDICTION (New York, 7-10 September 2018)

Madam Facilitator,

I have the honour to make this intervention on behalf of the Group of 77 and China.

At the outset allow me Madam. Facilitator, to congratulate you for your reappointment to facilitate the work of the Informal Working Group on measures such as area-based management tools (ABMTs), including marine protected areas (MPAs), I wish you all success and ensure you of the Group of 77 and China full support.

4.1 Objectives of area-based management tools, including marine protected areas

The Group of 77 and China are of the view that there is a need to understand area-based management tools, including marine protected areas, as measures to achieve the objective of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction in an integrated manner.

Possible definition of ABMTs might be "tools designed and applicable in a specified area located beyond national jurisdiction with a view to achieving defined objectives".

Possible definition of MPA" a geographically defined area, which is designated, regulated and managed to achieve specific conservation objectives. (Convention on Biological Diversity - CBD)

4.2 Relationship to measures under relevant instruments, frameworks and bodies

When it comes to the relationship between measures under the instrument and measures under existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies, the Group of 77 and China underline the need to carefully consider the definition of concepts of ABMTs and MPAs, taking into consideration various definitions existing in the global and sectoral frameworks in order to examine ways to adapt them in the context of conservation and sustainable use of marine biodiversity of ABNJ.

On the procedure of recognition of regional and sectoral ABMTs, including MPAs:

The Group of 77 and China are of a view that ABMTs, including MPAs, adopted by existing regional and sectoral mechanisms would go through a process of recognition by the global mechanism, taking into account that this recognition would not derogate from the authority of such mechanisms to apply measures, further discussions will be needed on the modalities of procedure of recognition.

Where there is no competent body to recommend measures to address the impact of a specific

activity in the proposed area: The Parties would identify specific measures to meet the conservation objectives of the area.

The Group of 77 and China believe that the following provisions could be included to address issues of compatibility between measures under the instrument and those established by adjacent coastal States:

- Transparency.
- Precautionary principle/approach.
- Science base approach.
- Integrated management approach.
- The protection and preservation of the marine environment.
- Sustainable and equitable use which relates to the principle of common heritage of mankind.
- Accountability, which would be the basis for establishing a system of review and compliance.
- Liability in case that the activities or measures under the purview of this new instrument cause damage to marine environment.
- International cooperation.

4.3 Process in relation to area-based management tools, including marine protected areas

The Group of 77 and China consider that it is important to restate that the process for the establishment of ABMTs, including MPAs should be developed based on existing internationally recognized criteria for area-based conservation measures, and be based on the best available science. We are of the view that the process also needs to be inclusive, transparent and consistent with the objectives, purposes and principles of UN Charter, UNCLOS, and of the new instrument.

The Group of 77 and China support the creation of a global overarching framework to enable the identification, receiving proposals, conduct consultations on and assessment of the proposal, designation and decision-making, Implementation, management and enforcement and finally Monitoring and reviewing of ABMTs, including MPAs in areas beyond national jurisdiction.

Proposals to establish an ABMT in ABNJ could be submitted by State Parties

4.3.1 Identification of areas

(Identification of priority areas for ABMTs, including MPAs, & designation process)

Regarding the identification of areas requiring protection, as each area might have different conservation purposes, there may be a need for different levels of measures and it could comprise of different steps.

Further to the guiding principles and approaches around which there was a convergence of views, e.g. ecosystem approach, precautionary approach/principle, science-based approach as well as transparency, general criteria and/or guidelines to identify priority areas should be developed on the basis of the existing internationally recognized criteria for area-based conservation measures as follows:

- The uniqueness and rarity of the areas;
- Vulnerability;
- Fragility, sensitivity of the area;
- Biological or ecological productivity and diversity.

The Group of 77 and China would like to assert that relevant approaches or principles in this context include:

- The protection and preservation of the marine environment;
- Concept of sustainable and equitable use which also relates to the principle of common heritage of mankind;
- Accountability which will be the basis for establishing a system of review and compliance;
- Liability in case that the activities or measures under the purview of this new instrument cause damage to marine environment.

4.3.2 Designation process

On the designation process, the Group of 77 and China are of the view that:

- Proposals could be submitted by States parties to the new instrument to a global institution, in order to ensure an effective coordinating mechanism at the global level through a COP.
- Proposals should take into account the best available science and be based on the precautionary approach/principle, they should comprise of the objective of the measure, the delimitation of the area, the conservation or management measures needed to reach the specified objective based on the best available scientific evidence.
- A global institution comprised of state parties would make decisions on:
 - o The spatial boundaries of the area to be designated as MPA.
 - o The establishment of such area.
 - o Appropriate conservation and management measures to be taken in the MPA.
 - o In taking the decisions, all efforts would need to be made to reach consensus. Majority voting could be envisaged.
- The ISA could be an essential component, as it has a mandate already recognized by UNCLOS.

4.4 - 4.5 (Implementation, Monitoring and Review)

Madam. Facilitator,

- The Group of 77 and China believe that to assess the effectiveness of the ABMTs, including MPAs, there is a need to establish communication and monitoring protocols to ensure that there is a proper implementation and enforcement of these measures. The new instrument should establish reporting obligations and timeframes for review and establish a compliance system on the basis of the best available science, and within the objective to conserve and sustainably use marine biological diversity.
- A scientific/technical body under the instrument would oversee the monitoring and reviewing of ABMTs, including MPAs, in coordination with the secretariat of the instrument to report to the State Parties who will decide on the follow up actions.