

Written Submission of the Russian Federation

General provisions

1. The new legally binding instrument on BBNJ should not modify or abrogate the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the 1995 United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement) and other existing treaties including those in legal force on the date of the entry into force of a new legal regime. The instrument should be without prejudice to the rights and obligations of States in accordance with the mentioned treaties. The instrument should also not modify or duplicate the mandate and terms of reference of existing global and regional international bodies and organizations (IMO, ISA, RFMOs and others, including institutions which have a special mandate regarding conservation of marine ecosystems, for example, CCAMLR).

Area-based management tools (ABMTs), including marine protected areas (MPAs)

1. The ABMTs, including MPAs, regime has to comply with the UNCLOS, the UN Fish Stocks Agreement, as well as other relevant existing treaties;
2. Any issues related to the establishment and management of ABMTs, including MPAs, should be addressed within existing international mechanisms. In order to avoid changing or duplicating the mandate and terms of reference of these existing international mechanisms, these issues should not be referred to newly established international bodies (for example, the Conference of the Parties) or to the existing international bodies that at present do not have mandate to address these issues. However, the most general principles relating to the ABMTs, including MPAs, may be addressed in the new legally binding instrument;
3. These most general principles should include as follows: establishing and

managing ABMTs, including MPAs, on an individual (case-by-case) and temporary basis taking into account assessments of the state of ecosystems based on the best available scientific data (with the compulsory confirmation and verification thereof); respecting the proper balance of interests concerning environmental activities and other lawful activities at sea (for example, navigation and fishing); regular monitoring of the marine environment in ABMTs, including MPAs, and regular review (and if necessary, adaptation) of the MPA regime; coordination and cooperation between the existing international mechanisms which at present have the mandate to decide on matters relating to ABMTs, including MPAs, without prejudice to the mandates of these mechanisms.

Environmental impact assessment

1. EIA cannot and should not be related to global processes (for example, ocean acidification, global warming), which depend on many factors, and regulation of which is currently carried out within the relevant competent international structures.