

## ABMTs Small Group Discussions 27 February 2023

### Article 19 Decision-making

[...]

8. An area-based management tool, including a marine protected area, established under this Part shall continue in force when a new regional [agreement] [treaty] body is established with competence to establish an area-based management tool or a marine protected area that overlaps, geographically, with the area-based management tool or marine protected area established under this Part.

9. Upon the establishment or amendment of a legal instrument or framework [or relevant global, regional, subregional or sectoral body], measures adopted by the Conference of Parties under this Part that are within the competence of the new instrument, framework or body may be amended or revoked.

#### CANADA PROPOSAL (SMALL GROUP 27 February 2023)

[8&9alt. Upon the establishment of, or amendment to, a legal instrument or framework or relevant global, regional, subregional or sectoral body, the area-based management tool, including a marine protected area, or related measures adopted by the Conference of Parties under this Part that are within the competence of such instrument, framework or body and subsequently overlaps geographically, either wholly or in part, shall remain in force until the Conference of the Parties reviews and decides, in consultation with that instrument, framework or body, to maintain, amend or revoke the area-based management tool, including a marine protected area, and related measures, as appropriate.]

### Article 20 ante Emergency measures

The Conference of the Parties shall take decisions to adopt ~~measures area-based management tools, including marine protected areas and related measures~~ in areas beyond national jurisdiction to be applied on an emergency basis, if necessary, when a natural phenomenon or human-caused disaster ~~[has, or is likely to have, a significant adverse impact on]~~ [has caused, or is likely to cause, serious or irreversible harm to] marine biological diversity of areas beyond national jurisdiction, to ensure that the ~~[serious or irreversible harm]~~ [adverse impact] is not exacerbated.

(a) Measures ~~adopted~~ under this ~~paragraph-article~~ shall be considered necessary only if, following consultation with ~~any~~ relevant legal instruments or frameworks or global, regional, subregional or sectoral bodies, the ~~[serious or irreversible harm]~~ [adverse impact] cannot be managed in a timely manner through the application of the other ~~provisions~~ articles of this Agreement or by a relevant legal instrument or framework or global, regional, subregional or sectoral body.

(b) Measures ~~taken~~ adopted on an emergency basis shall be based on the best available science and scientific information and, where available, relevant

traditional knowledge of Indigenous Peoples and local communities, and take into account [the application of precaution] [the precautionary approach]. Such measures may be proposed by Parties or recommended by the Scientific and Technical Body, and may be adopted intersessionally. The measures shall be temporary and must be reconsidered for decision at the next meeting of the Conference of the Parties following their adoption.

(bbis.) The measures shall terminate two years following their entry into force, or shall be terminated by the Conference of the Parties earlier ~~expire either~~ upon being replaced by area-based management tools, including marine protected areas, and [other] related measures established in accordance with ~~the provisions of this Agreement~~ Part, or by measures adopted by a relevant legal instrument or framework or global, regional, subregional or sectoral body, ~~or at a date to be decided by the Conference of the Parties that shall not be later than two years following their adoption, or~~ by a decision of the Conference of the Parties when the circumstances that necessitated the measure cease to exist, ~~whichever is earlier.~~

(c) Procedures and guidance for the establishment of emergency measures, including consultation procedures, shall be elaborated by the Scientific and Technical Body, as necessary, for consideration and adoption by the Conference of the Parties at its ~~first meeting~~ earliest opportunity. Such procedures shall be inclusive and transparent.