

ABMTs Small Group Discussions
22 February 2023

Article 19
Decision-making

2. The Conference of the Parties may recognize, in accordance with the objectives, criteria and decision-making process laid down in this Part, area-based management tools, including marine protected areas, established under relevant global, regional, subregional and sectoral bodies, at the request of that body or of a Party authorized to act on its behalf, or Parties authorized to act on its behalf. The following articles apply to area-based management tools, including marine protected areas, recognized under this paragraph, as if they were established under this Part.

SMALL GROUP LED BY EU (22 February 2023)

[2. [The relevant global, regional, subregional and sectoral bodies may request the Conference of the Parties to consider/recognize area-based management tools, including, marine protected areas, established under such bodies.] [The Conference of the Parties may [take a decision to] recognize, in accordance with the objectives, criteria and decision-making process laid down in this Part, area-based management tools, including, marine protected areas, established under relevant regional, subregional and sectoral bodies, at the request of that body or of a Party authorized to act on its behalf.]

3. The Conference of the Parties shall elaborate the procedures, which shall include the provision of adequate information, transparency, notification, consultation with relevant stakeholders and review by the Scientific and Technical Body, and the manner in which the provisions of this Part shall apply for recognition of area-based management tools, including marine protected areas.]

[2&3alt. The Conference of the Parties at its first meeting will consider the issue of recognition.]

5. The Conference of the Parties shall make arrangements for regular consultations to enhance cooperation and coordination with and among relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies with regard to area-based management tools, including marine protected areas, as well as coordination [with regard to] [among] related measures adopted under such instruments and frameworks and by such bodies.

SMALL GROUP LED BY NORWAY (August 2023)

[5.] The Conference of the Parties shall make arrangements for regular consultations to enhance cooperation and coordination with and among relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies with regard to area-based management tools, including marine protected areas, as well as coordination with regard to related measures adopted under such instruments and frameworks and by such bodies.

ENDING POINT DISCUSSIONS (SAME)

[5.] The Conference of the Parties shall make arrangements for regular consultations to enhance cooperation and coordination with and among relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies with regard to area-based management tools, including marine protected areas, as well as coordination with regard to related measures adopted under such instruments and frameworks and by such bodies.

SMALL GROUP LED BY EU (22 February 2023)

[5bis. To further international cooperation and coordination with respect to the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction, the Conference of the Parties may invite information from the relevant global, regional, subregional and sectoral bodies with regard to area-based management tools, including marine protected areas, established.]

Article 19 bis XXX

SMALL GROUP LED BY AUSTRALIA (22 February 2023)

4. During the period of [120] [180] days provided for in paragraph 3 of this article, any Party may by notification in writing to ~~the Secretariat~~ ~~the Conference of the Parties~~ make an objection with respect to a decision adopted under this Part and that decision shall not be binding on that Party. An objection to a decision may be withdrawn at any time by written notification to the Secretariat and thereupon the decision shall be binding for that Party ninety days following the date of the notification stating that the objection is withdrawn.

5. A Party presenting an objection under paragraph 4 shall provide to the Secretariat in writing, at the time of presenting its objection, the explanation of the grounds for its objection, which ~~shall~~ ~~may~~ be based [, inter alia,] on one or more of the following grounds [, inter alia]:

(i) The decision is inconsistent with this Agreement or rights and duties of the objecting Party under the Convention [or other relevant rules of international law];

(ii) The decision unjustifiably discriminates in form or in fact against the objecting Party; or

(iii) The Party cannot practicably comply with the decision at the time of the objection after taking all reasonable efforts.

6. A Party making an objection under paragraph 4 shall ~~to the extent practicable~~ adopt alternative measures or approaches that are equivalent in effect to the decision to which it has objected.

6bis. The objecting Party [and] shall not adopt measures [nor take actions] that would undermine the effectiveness of the decision to which it has objected [unless the objection is made on the grounds of inconsistency with the Agreement or rights and duties of the objecting Party under the Convention].