



## Interventions of Delegation of Australia on Area-based Management Tools

BBNJ meeting, New York, 25 March to 5 April 2019

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

#### 4.3.1 Identification of areas

I will make a few overarching points on process before moving to the specific text in the document.

Australia supports a process for the adoption of ABMTs that:

- promotes the use of ABMTs to better manage biodiversity, including through a network of MPAs
- promotes greater coherence and collaboration between bodies with mandates to use ABMTs, including through better consultation
- complements work under existing agreements and frameworks rather than seeks to establish a hierarchical system.

We want to see obligations and provisions in the agreement which reflect these elements. So the agreement not only needs to set out a process for the establishment and use of ABMTs through this agreement, but also provisions which promote coherence between the approach of various bodies. The agreement also needs to recognise:

- the prerogative of existing bodies to take actions within their mandate
- the ability of states to establish new bodies to take such actions.

In other words, the agreement also needs to contain sufficient flexibility to support a range of approaches and pathways to developing and implementing ABMTs, with the overall objective of greater, and more effective, action.

A final point - while we tend to focus on MPAs as the headline tool, ABMTs are of course broader than MPAs, and we need to take this into account. We also need to take into account steps which support the establishment of tools like MPAs, such as marine spatial planning.

Turning now to text.

Regarding 4.3.1 paragraph (1), we support the identification of areas based on the best available science, but do not support the reference to internationally accepted standards and criteria, as we do not understand to what they refer.

We support setting up a non-exhaustive list of biological criteria for the identification of areas for protection – ie paragraph (2) Option I(a). We think further work would need to be done to refine and reduce the criteria currently listed at 4.3.1 paragraph (2), taking into account the approach we have taken in other agreements, like the CBD (as Norway and others have mentioned). We also agree with the Federated States of Micronesia on behalf of PSIDS that proposals do not need to meet *all* criteria to move forward. Different proposals will have different objectives.

Like others, we do not support including economic and social factors as criteria for the *identification* of areas. Likewise for climate change and ocean acidification, and cumulative impacts (xvii and xviii) as the effects of these pressures are captured in criteria like vulnerability and sensitivity.



We may be able to consider further elaboration of criteria by a decision-making body, on advice of a scientific/technical body under the agreement, at subparagraph (b) of paragraph 2 OPTION I. But we would like to see key criteria set out in the agreement now. And we agree with Argentina that criteria only need to be updated or modified when necessary – such elaboration is not automatic or necessary to take action once the agreement enters into force.

With respect to proposals for the identification of areas (paragraph's 4 and 5), we agree with others who have said this could be moved to a later stage of the document on the designation process.

On the substance, we agree that that areas should be identified in proposals submitted in accordance with the instrument (ie paragraph (4) OPTION I, Option A) but also acknowledge the mandate of existing institutions to use ABMTs under their own mandate (along the lines of OPTION I, Option B). We intend to discuss this further when we get to decision-making.

Under paragraph (5), we support OPTION I.