**Submission of proposals related to the Further revised draft text of an agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction**

**Template**

*Please fill out one form for each article which your delegation(s) or group(s) wish(es) to propose, amend or delete.*

1. **Name(s) of Delegation(s) and/or Group(s) making the proposal in the order that they should be listed in any conference room papers or other documents:**

REPUBLICA DE NICARAGUA

1. **Please indicate the relevant part of the Further revised draft text (as reflected in A/CONF.232/2022/5****[[1]](#footnote-1)) that this proposal relates to, using the drop-down menu below.**

PART III MEASURES SUCH AS AREA-BASED MANAGEMENT TOOLS, INCLUDING MARINE PROTECTED AREAS

1. **Please indicate the relevant article of the Further revised draft text (as reflected in A/CONF.232/2022/51) that this proposal relates to (if applicable) or indicate if this is a proposal for an additional article**

Article 20

1. **Kindly provide the amendments to the article that are being proposed in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the article that are being amended or deleted - examples are attached for reference.**

1. Without prejudice to conservation and sustainable use management measures adopted by competent global, regional and sectoral bodies, Parties shall ensure that activities under their jurisdiction or control that take place in areas beyond national jurisdiction are conducted consistently with the decisions adopted under this Part.

2. Nothing in this Agreement shall prevent a Party from adopting more stringent measures with respect to its vessels or with regard to activities under its jurisdiction or control in addition to those adopted under this Part, in conformity with international law.

3. The implementation of the measures adopted under this Part shall not impose a disproportionate burden on developing States, in particular small island developing States Parties, directly or indirectly.

[4. Parties shall encourage those States that are entitled to become Parties to this Agreement, in particular those whose activities, vessels, or nationals operate in the area that is the subject of an established area-based management tool, including a marine protected area, to adopt measures supporting the decisions and recommendations by the Conference of the Parties on area-based management tools, including marine protected areas, established under this Part.]

[5. A Party that is not a participant in a relevant legal instrument or framework, or a member of a relevant global, regional, subregional or sectoral body, and that does not otherwise agree to apply the measures established under such instruments, frameworks and bodies, shall not be discharged from the obligation to cooperate, in accordance with the Convention and this Agreement, in the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.]

1. **Rationale for the proposal, if any.**

To ensure compliance with Resolution 742/249 that mandates that this process and its result should be fully consistent with the provissions of UNCLOS and should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies and promote collaboration and secure universal participation, this agreement should include provissions that: a) Understands that decisions adopted by specialized bodies prevail on the matters of their competence; b) Avoid any action that may imply a sign of interference with the competences and procedures of the corresponding specialized body c) recognized needs of developing states, in particular small island developing states

1. Currently available as an advance, unedited, version on the website of the IGC: [Fifth substantive session (un.org)](https://www.un.org/bbnj/fifth_substantive_session) [↑](#footnote-ref-1)