**Submission of proposals during BBNJ IGC-5**

**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:**

China

1. **Please indicate the relevant part of the Revised draft text (as reflected in A/CONF.232/2020/3) 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 Revised draft text (as reflected in A/CONF.232/2020/3) that this proposal relates to or indicate if this is a proposal for an additional article. If the proposal is for an additional article, please indicate where the article is to be inserted by citing the article that will immediately precede the proposed additional article.**

Article 17．bis

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.**

Areas requiring protection through the establishment of area-based management tools, including marine protected areas, shall be identified：

（a）on the basis of the best available scientific evidence ，as well as relevant traditional knowledge of indigenous peoples and local communities, taking into account the application of precaution and an ecosystem approach and socio- economic factors.

……

1*bis* In cases where a dispute exists that whether or not an area is beyond national jurisdiction, such area shall not be identified as referred to in the paragraph 1 of this Article.

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

First, the ABMTs shall be established in areas beyond national jurisdiction, if any dispute on the legal status of an area exists, the area cannot be identified as ABMT. Otherwise it may prejudice States’ sovereignty, sovereignty rights or jurisdiction. Second, the ABMTs shall be established on robust scientific evidence， we support the formulation of “best available scientific evidence” to provide a reliable basis for ABMTs. This formulation is also used in Article 119 of UNCLOS, Article 5,6,10 and 16 of 1995 Fish Stocks Agreement and several regional fisheries treaties. Third, to strike a balance between the conservation and sustainable use of marine living resources in ABNJ, socio-economic factors shall be taken into account, which is also reflected in Article 119 of UNCLOS, Article 6 of 1995 Fish Stocks Agreement and the CBD SBSSTA definition on ABMT in 2018.