

New Zealand Intervention

4.4 Implementation

New Zealand prefers Option I, but with modifications to reflect the important role of regional and sectoral bodies in implementation, and some aspects of Option II drawn in.

Option I Paragraph 1: We suggest adding the concept that implementation by States parties could also occur *through* relevant regional or sectoral bodies.

Option I paragraph 2: We suggest adding the concept of States parties ensuring compliance by their “nationals”, as well as flagged vessels.

Option I paragraph 5: We suggest adding the concept that this adoption of measures by non-parties could occur through their membership in regional or sectoral bodies.

Option II paragraph 2 Option A: We think this is quite useful because it provides such a strong statement on the content of the duty to cooperate. It would be good to retain that concept, in addition to option I.

4.5 Monitoring and review

New Zealand believes monitoring and review is integral to the ongoing effectiveness of the treaty. We have a general point on this section. As others have alluded to, we note that this section blends two very distinct types of monitoring and review with respect to ABMTs:

1. Scientific monitoring and review to determine the extent to which the science-related objectives of the ABMT or MPA, including any research and monitoring plan, are being met; and
2. Monitoring and review of implementation and compliance by States parties, including though relevant regional and sectoral bodies, of decisions, including management measures associated with ABMTs or MPAs.

We think it would be useful for the treaty to make a clear distinction between these two types of monitoring and review and make it very clear that the two types serve quite different purposes.

On the options presented to us, New Zealand prefers a combination of Options I and II. Option I covers the scenario where the BBNJ treaty establishes ABMTs i.e. where there is no relevant regional or sectoral body, and no decision to establish one. Option II covers the scenario where there IS a relevant regional or sectoral body that has established measures.

We note that ultimately some timeframes for reporting, monitoring and review will be required. These could be set in this part of the treaty or in subsidiary documents on processes.

Option 1 Paragraph 2: Effective monitoring and review will require both types of expertise – science and technical; and compliance - so we support the inclusion of both options, with the role of each specified.

Option 1 paragraph 4: we are still considering the precise wording of this paragraph, but have a preference for Option A.

Option II paragraph 2: We prefer option A as it is more specific.

4.1 Objectives

Paragraph 1: We support this paragraph – it is logical to link each section of the treaty to overall objective.

On the options, we prefer objectives to be specified in treaty (i.e. Option I) as this will provide a framework for operational components of the treaty on ABMTs and agree with others that these could be streamlined, more targeted and outcome oriented.

Some of these objectives are quite generic and could be objectives for any type of ABMT, whereas some of them (e.g. (f), (h) and (i) are more conservation focussed and more targeted at MPAs

For clarity, more specific objectives for MPAs could be separated out from the more general objectives for ABMTs.

Some preliminary comments:

(d) – the terms “conserving” and “sustainably using” are not necessarily compatible. Could present some challenges having both concepts in same objective. Also, we are not aware of any internationally recognised wording for this concept of areas of “special value” so this term could benefit from further discussion.

(e) – We support intention of Option A, as it is important to have specific objective for MPAs in this regard. However, we think the current drafting in Option A seems a bit circular – an objective of MPAs being to establish a network of MPAs. We would suggest re-phrasing to something like “Protecting representative examples of marine ecosystems, biodiversity and habitats”.

(f) We suggest adding something here about protecting or maintaining – this provides the ability to protect pristine systems, that may not need rehabilitation.

(h) – We suggest adding “including for baseline research”, as baseline research would be just one scientific activity.

Definitions

Our preliminary comments are that we think the definitions of ABMTs and MPAs need to be sufficiently distinct, consistent with what the EU and US have said.

ABMT definition: New Zealand does not have a firm view on the definition for ABMTs. Option 1, or a variation, may work best, as Option II may be too similar to what we envisage for the MPA definition.

MPA definition: We note that the proposed definition is largely consistent with the IUCN definition with the exception of the “long term” reference. We are not going to get into specific drafting at this stage, but think it is important that the definition incorporates the concept of achieving “long-term biodiversity conservation objectives”.