

4.3.2 Designation Process

New Zealand Intervention

Thank you Madam Facilitator. I will provide New Zealand's comments on each of the options outlined in 4.3.2 of the Presidents Aid to Negotiations.

Proposals

New Zealand supports Option I because we believe there is a role for the global body in designating ABMTs, and MPAs in particular, in cases where there is no relevant regional or sectoral body with a mandate to do so, i.e. where there is a governance gap.

Paragraph 1 (who can submit proposals): While we can see an important role for the various actors, such as civil society, in contributing to proposals, we believe the proposals should be submitted by States parties. This could include through existing regional and sectoral bodies. We do not see a role for the scientific and technical body to submit proposals. We therefore support a modified form of Option A.

Paragraph 4 (Elements of proposals): We support a combination of Options A and B. We think it is useful to set out elements to be included in proposals in the treaty, but to leave flexibility for other elements to be added later if required. Option A provides a good core list. We have minor suggestions as follows:

- (c) – suggest deleting the word "ecological" because the criteria are broader than that.
- (h) – suggest clarifying – we assume it means "existing relevant conservation and management measures" in the area...?
- (k) – Need to ensure both the negative and positive impacts are considered. We support the reference to cumulative impacts.
- (m) We support a combination of Options 1 and 2, i.e. a draft management plan that includes suggested conservation and management measures.
- (p) We prefer Option 2 (no text on duration). This concept would be covered by monitoring and review provisions.
- (s) Like others have mentioned, we are not sure of the relevance of this element.

Although covered in consultation processes below, we wonder if it would be useful for proponents to demonstrate that they have carried out initial consultation with relevant regional and sectoral bodies in the process of developing their proposal, and to put forward their views.

Consultation on and assessment of the proposal

Support Option 1

Paragraph 2: The list of stakeholders in Option A is comprehensive. We support a combination of Options A and B, for clarity and flexibility. New Zealand supports the recognition of the special circumstances of small island developing states, including in relation to how consultation takes place.

Paragraph 7: With respect to who should review the proposal from a scientific and technical perspective, our objectives are to ensure proposals are effectively and objectively reviewed by experts with relevant knowledge and expertise, that the roles and accountabilities of those experts are clearly set out in the treaty; and it occurs in a cost-effective and efficient manner. New Zealand prefers Option A, because we think this role is best carried out by a scientific and technical body, and because it incorporates the expertise of relevant regional and sectoral bodies. Options B or C could also work with modifications.

Decision making

We support Option I.

Paragraph 1: The matters specified in Options A and B (that the decision making body makes decisions on) are all important, so we suggest a combination of the two options (i.e. Option 1 of Option A + all of Option B including Option 1 of (c)). This would enable the global body to make the decision on designation in cases where there is no relevant existing regional or sectoral body; AND enable the global body to make recommendations where there is a relevant existing body.

Where the global body recommends designation of an ABMT to an existing regional or sectoral body, the BBNJ treaty could also set timeframes by which this should occur. This would enhance accountability, and complement other reporting and monitoring provisions.

Paragraphs 2 – 3: Parts of this section, e.g. on decision making models, are very general. These could be covered, as cross cutting issues, elsewhere in the treaty. With respect to the decision making model however (paragraph 2), we prefer a model that offers an option when consensus cannot be reached (Option B). However we also appreciate that there may be different decision making models for different decisions by the decision making body.

Thank you Madam Facilitator