

ABMTs (delivered 10 September 2018)

- A general reference is made to the Norwegian submission to the PrepCom in December 2016.
  
- ABMTs, including MPAs, are important tools for conservation and sustainable use in relation to some threats to marine biodiversity. The IA must include provisions on ABMT.
  
- ABMTs are already commonly used in ocean management by different ocean management mechanisms, including IMO, ISA, RFMO/As and Regional Seas Programs.
  
- The IA should promote closer coordination and cooperation related to ABMTs among States, directly and/or through relevant mechanisms. The IA should oblige parties to pursue the objectives of the IA in all their dealings related to ABNJ, including in their work in different ocean management mechanisms.
  
- The IA should promote enhanced complementarity between the different ABMTs by setting requirements for the designation, development, establishment and monitoring of ABMTs.

Possible ABMT procedure/requirements – MPA adopted under a Regional Seas Mechanism as an example (addressing paragraph 4.3)

1. The first step is the development of a MPA proposal for instance in a Regional Seas Mechanism.
  - o In regions where there is no such mechanism, maybe States in the region and/or user states could develop a proposal.

2. The proposal should include i.a. elements referenced in para 4.3.2(i) in the PrepCom report.
  
3. Once developed, the MPA proposal should be published for a public hearing through a websolution established under the IA, possibly by DOALOS.
  - o Anyone could react to the published proposal, including States, organisations, scientists and NGOs.
  
4. In addition, the proposal should be sent for review specifically to relevant bodies, such as IMO, RFMOs, other Regional Seas Mechanisms and ISA. Adjacent coastal States should be consulted.
  - o One could also consider a system of scientific peer review by one or more independent scientists previously recognised under the IA.
  
5. Based on the reactions received, the Regional Seas Mechanism could revise and adopt the MPA.
  - o The decision, made in a format specified under the IA, should show explicitly how the IA requirements are met, including the scientific requirements.
  
6. The Regional Seas Mechanism then announces its decision, including its consideration of the quality status of the marine environment, the identified ecological values, conservation goals, identification of problems, threats, pressures, etc.
  
7. The decision made by the Regional Seas Mechanism, in accordance with the requirements of the IA, will be binding on all States Parties to the IA (paragraph 4.4).[1]

8. Once adopted, the Regional Mechanism forwards the MPA to other relevant bodies, such as IMO, RFMOs, other regional seas mechanisms and ISA to actively engage those bodies to take complementary measures within their respective competence to contribute to the management objectives of the MPA.

- o According to the IA, the State Parties will be under an obligation to actively follow up the MPA decision in all relevant mechanisms where they are participating (paragraph 4.4).

9. Other relevant bodies consider whether the activity they are managing are relevant to the conservation goals and if measures within their competence are required.

- o Any complementary measures should be announced through the web solution established under the IA, possibly by DOALOS.

10. The MPA shall then be on the agenda for the next State Parties Meeting, providing for accountability, transparency, review and stakeholder participation in addition to the input given in the public hearing.

- o DOALOS prepares and presents a factual report on the designation, development and adoption of the MPA.

- o The Regional Seas Mechanism and other relevant bodies report on their considerations and decisions, including on their plans for monitoring and review (para 4.5).

- o States Parties, relevant bodies, NGOs etc. are given the opportunity to evaluate and scrutinise the considerations and decision of the Regional Seas Mechanism and other organisations, which will be reflected in the outcome of the State Parties Meeting.

- o The issue might be followed up by later State Parties Meetings.

- This process would contribute to the establishment of multipurpose MPAs. All relevant management mechanisms will be required to cooperate and assess whether measures are necessary within their respective mandates, and it will facilitate accountability, transparency, review and stakeholder participation. It would be based on UNCLOS and complement existing competences.
  
- In regions without fitting mechanism, the coastal States and/or user States could establish necessary structures.
  - o Basing the IA on the assumption that the management structures will remain exactly as they are today would be utterly passive and without ambition.
  
  - o Capacity building is highly relevant in this regard.