



INTERVENTIONS ON BEHALF OF THE GROUP OF 77 AND CHINA, BY MR. FUAD BATEH, SENIOR ADVISOR, MISSION OF THE STATE OF PALESTINE TO THE UNITED NATIONS, ON AGENDA ITEM 7: MEASURES SUCH AS AREAS-BASED MANAGEMENT TOOLS, INCLUDING MARINE PROTECTED AREAS, AT THE SECOND SESSION OF THE INTERGOVERNMENTAL CONFERENCE ON AN INTERNATIONAL LEGALLY BINDING INSTRUMENT 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 (New York, 27-29 March 2019)

4. Measures such as area-based management tools, including marine protected areas

Thank you Madam Facilitator. On behalf of the Group of 77 & China, we would like to see identified standards and criteria included in the instrument rather than to be elaborated by a future body so under paragraph (2) within sub-section 4.3.1 "Identification of areas" the Group would prefer Option I. Moving through the text to paragraph (4) the Group would see that areas should be identified in the proposal submitted in accordance with this Part of the instrument so therefore we would prefer Option A. And then in regard to paragraph (5), the Group would see some formulation of Option I. Thank you.

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Thank you very much Madam Facilitator. Let me begin my intervention on behalf of the Group 77 & China by making a general comment that refers to our thinking with regard to seeing more thoughtfulness on the balanced presence of ABMTs as opposed to MPAs in this overall Part of the instrument. By way of example if you look to sub-paragraph (s) under paragraph (4) of Option I within sub-section 4.3.2 entitled "Designation process", it specifically provides a "legal basis for the marine protected area", which taken into combination with the preambular language of paragraph (4) provides "required elements of the proposal include" you will see why we note in the document that MPAs are overly represented, and so we want to present this general observation.

With regard to the first theme of *Proposals* under sub-section 4.3.2 entitled "Designation Process", the Group 77 & China believes that some formulation of the mechanics of the proposal would be beneficial to the instrument overall, therefore we would encourage the deletion of Option II "No text". Similarly, the Group believes that the proposal should not be developed within the regional seas mechanism so for us some formulation of Option A under paragraph (1) would be appropriate.

Moving forward with regard to the theme of *Consultations on and assessments of the proposal*, the Group would simply note that Option II "No text" is not preferable, and therefore we would like to see some formulation of Option I.

Finally, with regard to the theme of *Decision-making*, the Group 77 & China would like to see some language on this in the instrument so we would propose the elimination of Option III "No text", and would prefer to see some formulation of Option I.

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Thank you Madam Facilitator. With regard to section 4.2 entitled "Relationship to measures under relevant instruments, frameworks and bodies" on the theme of "*Promotion of coherence and complementarity in measures related to area-based management tools, including marine protected areas*", the Group 77 & China would prefer only to highlight that in the numbered paragraphs under Option I is the repeated presence of sub-options which only refers to MPAs without any reference to ABMTs. As highlighted yesterday, these MPA only options are contrary to the package agreed by the General Assembly in 2011.

With regard to the theme "*Enhanced cooperation and coordination between relevant legal instruments and frameworks and relevant global, regional and sectoral bodies, with regard to area-based management tools, including marine protected areas, without prejudice to their respective mandates*", the Group 77 & China reaffirm that cooperation and coordination between relevant instruments, frameworks and bodies, with regard to area-based management tools should be enhanced as reflected in paragraph (1). Reflecting on paragraph (2), the Group 77 & China would like to see text on this issue within the instrument thus eliminating Option V "No text".

With regard to the theme "*Respect for the rights of coastal States over all areas under their national jurisdiction, including the continental shelf within and beyond 200 nautical miles and the exclusive economic zone*", at this time the Group finds problematic that paragraph (2) reflects only "marine protected area" without consideration of area-based management tools.

With regard to the theme "*Relationship between measures under this instrument and those established by adjacent coastal States, including issues of compatibility*", at this time the Group 77 & China would raise the question of what is meant by "compatibility" and "compatible" and encourage clarification?

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Thank you Madam Facilitator. With regard to section 4.4 entitled "Implementation", the Group 77 & China have a preference for some formulation of Option I, and so thus would see the elimination of Option II.

With regard to section 4.5 entitled "Monitoring and review", the Group 77 & China would prefer to see text on this topic within the instrument and therefore would see the elimination of Option III "No text". However, Option B under paragraph (4) within Option I would not be acceptable as it is solely referencing "marine protected areas".

With regard to section 4.1 entitled "Objectives of area-based management tools, including marine protected areas", the Group 77 & China have a preference in paragraph (2) for some formulation of Option 1 in which a non-exhaustive list of key objectives for some of the most common area-based management tools are present in the instrument, in combination with the idea that the non-exhaustive list of objectives shall be further developed by a yet to be determined body. However, Option A within paragraph (e) under Option I would not be acceptable as it is solely referencing "marine protected areas". Thank you Madam Facilitator.