



## **PHILIPPINE STATEMENT**

### **WORKING GROUP ON AREA-BASED MANAGEMENT TOOLS, INCLUDING MARINE PROTECTED AREAS**

#### **First Session**

#### **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 of the Intergovernmental Conference (BBNJ)**

Conference Room 3, UN Headquarters, New York, 4-17 September 2018

Thank you, Madame Chair. We align with the statements delivered by Egypt on behalf of the Group of 77 and China, and support the statements delivered by Maldives on behalf of AOSIS.

#### 4.1 Objectives of area-based management tools, including marine protected areas

At the outset, we wish to congratulate New Zealand for steering the informal working group's work on ABMT including MPAs.

The Philippines wishes to emphasize that the objectives of establishing area-based management including marine protected areas (MPAs) should be anchored on the protection and conservation of marine biodiversity and the sustainable utilization and development of the resources therein. These objectives should be applied to the full range of area-based management tools (ABMT), including MPAs, regardless of whether the ABMT to be established in ABNJ is single-sectoral or multi-sectoral or cross-sectoral type.

In addition, relevant to the protection and sustainable use of resources therein, the establishment of MPAs in the ABNJ may serve as educational instruments and tools as sentinel ecosystems to understand climate change and resiliency.

Our delegation also wishes to put forward consideration of the ongoing work of the Convention on Biological Diversity (CBD) on other effective area-based conservation measures (OECMs) and its application to the ABNJ. The definition and criteria for identifying areas for OECMs, as well as the integration of protected areas and OECMs, may contribute to the BBNJ process.

## 4.2 Relationship to measures under relevant instruments, frameworks and bodies

We strongly support that the instrument's provision on the establishment of ABMTs including MPAs should be geared towards enhancement and complementation of existing management regimes. In this regard, we suggest that provisions on the "convergence of rules and or the coordination mechanism" be established among (i.) relevant and recognized organizations and conventions such as the ISA, RFMOs, IMO, CBD, CMS; as well as (ii.) regional cooperation/ institutions; and (iii.) the adjacent coastal states where ABMTs shall be established.

The instrument should identify procedures on sharing of information and institute effective governance systems in the ABMT establishment. Existing "convergence hubs" offer models for learning, information sharing mechanisms, and knowledge management systems for consideration in the new instrument.

## 4.3 Process in relation to area-based management tools, including marine protected areas

To foster coordination and coherence among existing international and regional bodies in the establishment of ABMTs in ABNJ, a governance body and appropriate institutional arrangements need to be established. We support a governance model where mandates of regional and sectoral organizations are coordinated and subjected to oversight by a global body.

### 4.3.1 Identification of areas

On 4.3.1 (Identification of areas), we support the establishment of a global scientific committee or a subsidiary body (regional and sub-regional) that will provide science-based guidance and recommendations in the identification of areas. The scientific committee shall develop the set of criteria for the establishment of ABMTs including MPA/MPA networks which can be built from internationally recognized criteria, such as those in the CBD-EBSA, IMO-PSSA, FAO-VMEs and ISA. The scientific committee should be given flexibility in the use of standards and criteria. The use of criteria should be on a case-to-case basis. Standards that can address the lack of baselines and coherence should be formulated. Procedures should allow for accommodation of scientific advances and adaptive measures.

In the identification of areas, environmentally vulnerable countries should be given priority. Considerations of resiliency, urgency and capacity building go hand in hand in the establishment of ABMTs including MPAs.

### 4.3.2 Designation process

#### i. Proposal

The Philippines supports the elements of a proposal listed in the PrepCom report. The proposal for the establishment of ABMT/ MPA may be submitted by a State, several

states (for joint proposals), relevant regional or sectoral bodies, or intergovernmental or non-governmental organizations to the scientific committee and or to the appropriate regional body. The scientific committee/subsidiary body shall evaluate ABMT MPA applications based on objective criteria.

#### ii. Consultation on and assessment of the proposal

Public consultations should be conducted involving adjacent coastal States, and in coordination with relevant regional/sectoral bodies through a mechanism defined in the instrument.

#### iii. Decision-making

On decision-making, we wish to add that the lodging of ABMT designation and management at the regional level but subject to globally harmonized standards and oversight. This may be considered as the “first level recognition” of ABMTs in order to address urgency, vulnerability and capacity-building considerations. The “full recognition” of ABMTs can be coursed through an adoption process in a regular conference of parties to be set out by the instrument.

#### 4.4 Implementation

A management plan, which forms part of an ABMT MPA application, should guide the implementation of an ABMT MPA. It should identify the purpose for the establishment of ABMTs including MPAs, degree of protection that will be accorded to the BBNJ and measures for monitoring and evaluation. The management plan must clearly set out the responsibilities of all parties and stakeholders.

A management body composed of representatives from adjacent coastal States, proponent, and relevant sectoral/regional bodies should be designated in the management plan to carry out and implement the provisions stipulated therein, taking into consideration the existing mandates roles and responsibilities of relevant regional or sectoral bodies.

The instrument should provide concrete enforcement mechanisms especially for non-State actors. Provisions for violations and accountability as well as incentive systems should form part of the instrument and must be enforced by the monitoring and compliance committee designated under or by the global body.

#### 4.5. Monitoring and Review

The oversight function for monitoring and compliance for all ABMTs/ MPAs in ABNJ should be carried out by the monitoring and compliance committee lodged under the global body, or by the designated regional body based on the measures provided in the instrument and the ABMT-MPA management plan.

The regular and periodic reporting of the monitoring and compliance of all ABMTs should be made available to the public through a mechanism defined in the instrument.

Provision on monitoring and feedback mechanisms to evaluate socio-economic and ecological impacts, along with the adoption of **“Management effectiveness” assessment or tracking tools** for all ABMTs including MPAs, should form part of the process to ensure adaptive management systems. Related to this, there is a need to consider the connectedness of socio-ecological concerns and its implications to planning, implementation and compliance to adjacent coastal states with due consideration of its biogeographical representativeness and how these areas functionally achieve sustainable, resilient area based management without undermining existing regional and sectoral arrangements.

#### 4.6 Issues from the cross-cutting elements

##### 4.6.1. Use of Terms

We wish to reiterate our view regarding the use of existing definitions stipulated in global and sectoral frameworks, in particular the terms related to MPAs that have been adopted by the Parties of CBD and other related instruments. We should adopt related existing definitions in the context of conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction. We should also define other modes and concepts such as adjacency, Marine Protected Areas (MPAs), Strict Protection Zone, or Marine Spatial Planning (MSPs) by considering the existing and already adopted definitions.

##### 4.6.2. Relationship to the Convention and other instruments and frameworks and relevant global, regional and sectoral bodies

The instrument should not prejudice the rights, jurisdiction and duties of States under the Convention. It should be interpreted and applied in the context of and in a manner consistent with the Convention.

As mentioned earlier, our delegation suggests that provisions on convergence of rules and or coordination mechanism should be established among (i.) relevant and recognized organizations and conventions such as ISA, RFMOs, IMO, CBD, CMS, as well as (ii.) regional cooperation/ institutions and (iii.) the adjacent coastal states where ABMTs should be established. Mechanisms for coordination, communication and monitoring must be included and the draft text of the instrument to ensure that there is proper implementation and enforcement where these area-based management mechanisms should be applied. Provided, that these ABMTs are established and implemented in a manner that they will not undermine existing regulations.

#### 4.6.3. General principles and approaches

Our delegation supports the list of possible general principles and approaches identified in PrepCom Report. In addition, the Philippines wishes to put forward the inclusion of the following additional approaches:

- i. “Management effectiveness” assessment of MPAs as one of the approaches and tools, which can form part to operationalize the adaptive management approach;
- ii. Governance and equitability principles

#### 4.6.5 Institutional arrangements

In order to set out coherence among different existing international/ regional bodies in the establishment of ABMTs in ABNJ, and to facilitate a global system facilitating greater coordination, we support the establishment of a body designated to oversee and provide guidance in the processes related to ABMT-MPAs. In terms of institutional setup, our delegation supports a governance model where the management of ABMTs can be done at the regional level but is covered by globally harmonized standards and oversight function of a global body.

#### 4.6.6 Clearing-house mechanism

We support the establishment of a clearing-house mechanism for ABMTs including MPAs in the ABNJ that is linked to the other elements of the proposed instrument. We also suggest that the instrument should draw upon existing knowledge management, mapping and database systems of global ABMTs. (e.g. MPA-Atlas, Regional CHM under the ACB; world database of protected areas-terrestrial and marine).

Thank you.