

BBNJ IGC-5

Informal informals on area-based management tools, including marine protected areas

Oral report of the Facilitator

26 August 2022

1. During the informal informals on area-based management tools (ABMTs), including marine protected areas (MPAs), delegations had the opportunity to discuss all the provisions in Part III through two rounds of discussions, with some articles benefiting from additional rounds.
2. Overall, there was good progress and good movement on Part III with most of the articles coming close to agreement. Delegations worked in a very cooperative spirit and the discussions were very constructive in an effort to try to build consensus. Most of our discussions focused on core elements of Part III pertaining to proposals and decision-making in relation to ABMTs, including MPAs. Small group work was needed on a number of articles in order to have a common understanding. We received some very helpful inputs from these small groups that came back to the larger group of the informal informals.
3. I would note that two additional substantive provisions were introduced in this Part III of the draft agreement during our second week, namely on emergency measures and an opt-out process as part of decision-making in article 19. These articles had an initial round of views and some small group discussions, but further consideration will be needed, including with regard to the event of an unforeseen pressure or threat to biodiversity, or in the event that procedures for consensus cannot be achieved.
4. With respect to the use of terms in article 1, after a long discussion on the relationship of ABMTs with MPAs and whether the primary or only objective for MPAs was conservation-related, a small group worked to produce a definition that was captured as compromise text and was presented to the larger group.
5. With respect to article 14 on objectives, delegations desired to have an article on objectives for this Part and some useful streamlining of the article was achieved.
6. With respect to the steps in a process for a proposal related to ABMTs, including MPAs, we saw significant progress in terms of streamlining and on the content of the provisions related to preparation, preliminary review and consultation on and assessment of proposals to further clarify these processes – articles 17, 17bis and 18, respectively.
7. There was also a high degree of support for provisions on implementation and monitoring and review – articles 20 and 21 respectively.

8. With regard to decision-making, one of the most important and challenging provisions – article 19 – a small group worked to reformulate parts of article 19 to bring both clarity and balance to the powers of the Conference of the Parties (COP). There was general consensus in the large group on the structure and content of these paragraphs. There was also significant progress on trying to define an effective and mutually supportive relationship between the BBNJ COP and other instruments, frameworks and bodies.

9. Thank you, Madam President.