Marine Reserves as a cornerstone for a Implementing Agreement

Legal options for a process to designate, manage and implement MPAs/reserves in ABNJ
ROLE OF THE NEW INSTRUMENT re MPAs

- set up a process to establish and manage MPA network in ABNJ
- key to meet long-standing global commitments
- strong institutional framework
- complementing/strengthening existing frameworks
DEFINITION of MPAs

Building on CBD and IUCN definitions

“A geographically defined area, in which human activities are regulated, managed or prohibited in order to achieve specific conservation objectives, including the long-term conservation of nature.”
1- DUTY TO COOPERATE

- To **maintain** and **restore** health, productivity and resilience

- To establish a **representative network of MPAs** including marine reserves

- Extends to **competent international organizations**
Based upon existing scientific criteria, e.g., EBSAs

Areas to be identified as part of a global representative network

To achieve specific objectives (CCAMLR), including e.g.:
  - maintain resilience to climate change

Based on a regular global review by a Scientific Committee
3-PROPOSAL

**Proponents:** Parties, international organisations, Scientific Committee, accredited observers

Should include at least:
- ✔ Spatial boundaries
- ✔ Description of biodiversity
- ✔ Description of ongoing and planned activities and potential cumulative impacts
- ✔ Conservation objectives
- ✔ Elements of management plan- including measures
- ✔ A monitoring and research plan

**Consultation** prior to submission
Proposal sent to the Scientific Committee (SC) for review

Time-bound period for Parties, competent bodies and stakeholders to submit comments to SC

SC takes into account comments and send recommendations to CoP for consideration and adoption

Parties to refrain from activities that might undermine conservation objectives of the proposed area
EMERGENCY MEASURES

- If proposed site is under **significant threat of serious harm**

- Adopted by CoP upon recommendations from Scientific Committee or in case of **imminent threat**, acting intersessionally

- Based on best science and precautionary principle

- **Temporary**
5- DESIGNATION

✓ By the CoP, following recommendations from Scientific Committee

✓ By (qualified) majority voting if consensus is not possible

✓ Shall include:
  ✓ Spatial Boundaries
  ✓ Conservation objectives and protection level
  ✓ Management plan with specific measures
  ✓ Research and monitoring plan
PARTIES primarily responsible

✓ to implement **MPA** + **measures** to their vessels/nationals/activities and **investigate** violations

✓ **to promote** measures by **International Organisations** to which they are Members

✓ to request **Non-Parties to access the Instrument or cooperate fully** in the implementation of the measures
7- MONITORING, CONTROL AND SURVEILLANCE

✓ Within 1 year from entry into force of Instrument, CoP shall adopt procedures for:

✓ Effective MCS of activities taking place in ABNJ

✓ Information sharing and joint operations between existing MCS systems
8- REPORTING

✔ Parties shall regularly report to CoP and encourage international organisations to report on:
  ✔ progress in the implementation
  ✔ MCS activities + data obtained under research/monitoring plan
  ✔ Threats to MPA conservation objectives
  ✔ Reports should be public

✔ Within 1 year from entry into force of instrument, the CoP shall set up reporting procedures
✓ Every **ten years** or more frequently upon advice of the Scientific Committee, CoP shall **review effectiveness of measures**

✓ At least every **five years**, CoP shall **review effectiveness of provisions and operation** of the new Instrument and if necessary, proposes means to strengthen implementation.
**10-COMPLIANCE**

### TECHNICAL AND COMPLIANCE COMMITTEE

- Monitors and reviews compliance
- Receives submissions by Parties, International organisations, accredited observers re compliance by Parties and/or non-Parties
- Issues a report identifying Parties non-complying and non-Parties failing to comply w/duty to cooperate under international law
- Sends recommendations to CoP

### CONFERENCE OF THE PARTIES

- Facilitation measures
- Makes recommendations
- Requests Parties to submit an action plan to TCC and report back
- Issues a declaration of non compliance
- Other non-judicial, consultative measure
- If non-compliance persists, adopts responsive action, including non discriminatory trade restrictions v. Parties and non-Parties
CONCLUDING REMARKS

✓ Amongst all ABMTs, MPAs/reserves, are key tools to meet global conservation targets

✓ Main added value of the new Instrument is to set up a process for establishment, management, review of MPAs in ABNJ

✓ Need to give special consideration to MRs

✓ Need to move quickly to ICG in 2018, in line with timeline set by UNGA resolution 69/262
Greenpeace CONTRIBUTIONS

• Options for Legal Text on a process for designation and implementation of MPAs/reserves under the new Instrument

• Greenpeace’s response on MPAs following PrepCom 2,

• Ten Steps to Marine Protection-suggested process for designation and management of MPAs under the new instrument,

• Governance Principles Relevant to Marine Biodiversity in Areas Beyond National Jurisdiction
Thank you!

QUESTIONS?

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