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# AREA BASED MANAGEMENT TOOLS

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Emerging discussions at the First Session of the Preparatory Committee established pursuant to resolution 69/292 to make substantive recommendations to the General Assembly on the elements of a draft text of an international legally binding instrument on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction

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# SYNOPSIS OF PLENARY DISCUSSIONS

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- There should be clearly defined objectives for ABMTs, including MPAs
  - The level of protection should be proportionate to the objectives and certain activities could be allowed provided that the objectives of MPAs are not threatened
  - The process to establish ABMTs should be guided by the best available science, the Eco-system approach, the precautionary principle and in keeping with the provisions of the United Nations Convention on the Law of the Sea
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- Special attention should be paid to the needs of coastal States as well as landlocked States which depend on areas designated as MPAs for their livelihoods, with a view to avoiding any disproportionate burden on States
  - The rights of States over the continental shelf, including those States with an extended continental shelf, should be fully respected when establishing MPAs
  - The experience of Regional Fisheries Management Organisations (RFMOs), as well as Ecologically and Biologically Significant Areas (EBSAs) established under the Convention on Biological Diversity (CBD) should be taken into account
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# DEFINITIONS

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- The definitions of “protected areas” in Article 2 of the CDB as well as the definition of MPA by the International Union for Conservation of Nature (IUCN) could prove useful in arriving at a suitable definition of MPAs
  - ABMTs comprised more than MPAs so consideration should be given to other kinds of tools, such as marine spatial planning which would take into account the presence of multiple users of the ocean, thereby facilitating a balanced approach to ecological and social interests.
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# OBJECTIVES AND PRINCIPLES

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- Objectives and principles should be clear and the process to establish ABMTs should be guided by the eco-system based approach, precautionary principle, polluter pays principle, obligation to protect and preserve the marine environment (Article 192 of the UNCLOS) and the best available science, as well as transparency and accountability
  - It is important to maintain an effective balance between high seas freedom and the duty to protect and preserve the marine environment.
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# CRITERIA FOR ESTABLISHING MPAS

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- Internationally recognized criteria for area-based conservation measures include:
    - CBD criteria for ecological or biological significant areas (EBSAs);
    - FAO criteria for vulnerable marine ecosystems (VMEs);
    - Criteria established by Regional Seas Conventions such as OSPAR and the Barcelona Convention, as well as the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR); and
    - IMO Criteria for Particularly Sensitive Sea Areas (PSSAs).
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# GOVERNANCE AND INSTITUTIONAL MECHANISMS

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- Mechanisms for monitoring, compliance and review, cooperation and coordination should be established but should not undermine the roles of other entities
  - Some States cautioned against establishing a new structure and recommended heavy reliance on existing structures to avoid unnecessary costs or duplicating efforts
  - An overarching global body could be established to oversee the process, develop management plans, and deal with accountability and compliance. To this end, it would be important to consider the experience and expertise of existing frameworks, such as RFMOs and other regional and sectoral bodies.
  - The new agreement should complement and not substitute or undermine any existing arrangements.
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