



**BBN meeting New York, 25 March to 5 April 2019**

### **Proposals**

**As Australia has indicated in previous remarks, we support the ability of proposals to be submitted through the process established under this instrument, but this is not the only pathway. Some do not think the dichotomy as it is framed between a global process under Option A and a regional seas process under Option B is necessary. It need not be one or the other:**

**With respect to paragraph (1), we would support a variation of Option A subparagraph (a) - that proposals for the designation of ABMs, including MPAs, would be submitted by States parties. We also think this provision could indicate that States parties could submit proposals to this organisation, while recognising the appropriateness of submitting proposals within relevant global, regional or sectoral bodies if those bodies have the relevant mandate. Of course, States parties can collaborate with non-government stakeholders in the development of proposals.**

**In relation to paragraph (2), we think proposals could be submitted to the Secretariat (Option C) for administrative purposes, and reviewed by a scientific/technical body (Option B). The decision on adopting proposals would be by the decision-making body (Option A), taking into account the advice of a scientific/technical body.**

**In relation to paragraph (3), we support proposals being consistent with certain principles, including best available science, the precautionary approach and the ecosystem based approach.**

**We support consultation with traditional knowledge holders in the development of proposals, where such knowledge exists, but it may be that this is addressed in other areas of the text, such as that related to consultation.**

**In relation to paragraph (4), we agree it is important to set out the key elements of proposals, including things like specific objectives, the management measures proposed and geographic area covered.**

**That said, we would not support some of those things contained in the list in Paragraph (4) Option A, including among others, the idea in subparagraph (s) that there needs to be some kind of separate legal basis for an MPA, or that every proposal requires a duration (sub paragraph (p), Option 1). We would anticipate that the proposal would contain provisions for review of the effectiveness of the ABM or MPA to ensure adaptive management.**

**We also think further explanation is required in relation to the reference to cultural, social and economic values in (b) or socio-economic considerations in (l), and do not support these references.**

**I will not go through each paragraph, but suffice to say that we think that this section needs to take into account that we are talking about a process for ABMs, not just MPAs, as others have mentioned. The level of detail and process needs to be tailored to the measure, and not all of the elements contained in the current paragraphs will be required.**



**Our preference is that key elements are included in the text, but these can be reviewed and updated**



## Decisionmaking

In relation to decisionmaking Option I, paragraph (1), we don't see Options A and B containing elements that are necessary for mutual decision. Australia could consider elements from both options rather than use either one.

We support the idea of paragraph (2) regarding the body established under the agreement, on adoption of proposals (OPTION I) Option A, Options 1 & 2). A provision could specify that such decisions shall take into account the advice of a scientific/technical body.

We support the idea behind some of the elements of Option B, though not the precise wording.

We support a provision recognising that existing bodies have responsibility for taking measures within their own competence.

We also support the decisionmaking body establishing processes for cooperation and coordination with existing global, regional and sectoral bodies, as well as states.

We will consider further the proposal for a decisionmaking body of this instrument being able to make recommendations to other bodies about measures that could be taken within their mandates.

In relation to paragraph (2) on modalities for decisionmaking we support states making all efforts

to achieve consensus. We would like to consider further whether it is appropriate to include a