

ICELAND

Ministry for Foreign Affairs

Statement by

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Minister Counsellor

ABMTs - Part 4.3 - Process in relation to area-based management tools,
including marine protected areas (item 6)

at the meeting of the

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

Madam Facilitator.

We note with concern that in this part most options regarding Identification of Areas and Designation of Areas mainly assign decision-making power to the global level. We would like to see much more focus on regional and sectoral bodies in this regard.

A new BBNJ instrument should complement the existing system and make it more harmonised, but not create a new decision-making body on top of it as that would fundamentally change the existing system.

If no regional or sectoral bodies exist, the BBNJ instrument could encourage the establishment of such bodies, and until they are established or if their establishment fails, the BBNJ global level could possibly, temporarily, take over the roles of the non-existent regional or sectoral bodies. In our view the criteria for identification and designation of areas should rest on the regional level and not be subject to any review by the global level.

As for part 4.3.1 Iceland:

- Supports Point (1) on best available scientific information, et cetera.
- In Point (2) we support Option I as we believe it is prudent to negotiate the main standards and criteria in the IGC, rather than let a specific body deal with that. The issues listed under Option I still need to be discussed in more detail in next session of the IGC.
- On point (4) we would support Option I and Sub-option B, according to which areas shall be identified by “States Parties within the relevant legal instruments and relevant global regional and sectoral bodies, in accordance with requirements set out in this part.” In this regard we would see this done primarily in the regional and sectoral bodies, but in absence of such bodies it could possibly be done at the global level until such bodies are established.
- In the same vein - on point (5) we do not agree with Option I, i.e. that „decisions on identification of areas based on proposals submitted under this Part shall be taken by the decision making body/forum set forth in the Agreement.“ In our view such decisions on identification of areas should be made on the regional or sectoral level. If this Option I would be amended to refer to “relevant regional seas mechanisms” we could support this Option I. Otherwise, we prefer Option II, no text.

As regards the Designation process in part 4.3.2 on proposals for designation: Under the heading *Proposals* we are neither fully comfortable with option A nor B. However, Option B is much closer to the regional approach which we would like to see in this process, as it includes regional seas organisations in the process. Nevertheless, we would not only like to see the proposals for designation of areas *developed* by regional seas, but decisions on designation of areas *made by the regional seas organisations*. This is important, as such decisions are already being made by some existing regional seas organisations and the new BBNJ Instrument should not take over that function.

As regards point (4) on required elements in proposals, we can concur with many of the elements listed under Option A of point 4, but they need to be discussed in detail in the next IGC.

As regards the *Consultation on and assessment of the proposals*, we agree with point (1) that “consultations on proposals shall be inclusive, transparent and open to all relevant stakeholders”. The phrase “relevant stakeholders” is a key concept here, but we do not think it should be defined in the BBNJ instrument, as proposed in Point (2) Option A and Option B, but the decision on who are the relevant stakeholders should be made by the individual regional body in each case. This should be elaborated in Option A or B but for the time being we prefer option C – no text.

On the question in Point (7) on who should review the proposals for designation of areas, we would support the idea in Option D to use existing scientific/technical body, but with the amendment of the recommendations being made to the regional seas organisation which we proposed earlier would make the decisions on designation of areas.

Decision making – in this part we have a clear preference for Option II, which states that “Decisions on the designation of marine protected areas shall be taken by a regional seas organisations in accordance with the requirements of this Part.”

Thank you, Madam Facilitator.