



KINGDOM OF BELGIUM

Gouvernement Princier  
PRINCIPAUTÉ DE MONACOCOSTA RICA  
GOBIERNO DEL BICENTENARIO  
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## Guiding Questions

### Area Based Management Tools (ABMTs)

26 May 2021

The High Seas Treaty Dialogue on 26 May will build on past dialogues and focus on area-based management tools (ABMTs), including marine protected areas (MPAs), as well as on article 4 on the “Relationship between this Agreement and the Convention and relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies”, and article 6 on “International cooperation” of the revised draft text of an agreement 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.

**Guiding Questions** which could be considered for the dialogue are set out below:

#### **Question 1**

- With respect to Part III on measures such as ABMTs, including MPAs, what does “promote coherence and complementarity” mean?
- How could States promote coherence and complementarity through the future agreement and through relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies?
- Is it helpful to clarify what is meant by “not undermining” in article 4? This phrase also appears in Part III, article 15, paragraph 4.
- How does article 6 apply to Part III?
- How could States strengthen and enhance international cooperation?
- Who would be responsible for initiating such cooperation?
- What practical measures could be envisaged?



## **Question 2**

What could be reflected in the future agreement in relation to the following:

- (i) the process for identifying areas requiring protection through the establishment/designation of ABMTs, including MPAs
  - Who would identify such areas?
  - Should there be indicative criteria listed in an annex to the future agreement to assist in the identification of such areas?
- (ii) the process for establishing/designating ABMTs, including MPAs
  - Who would establish/designate ABMTs, including MPAs?
  - Who would adopt the related conservation and management/sustainable use measures?
  - What could be considered a complementary measure? Is it a measure that falls outside the mandate of the relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies and/or would it be a measure that is stricter than the measure of the relevant instruments, frameworks and bodies, or is it another kind of measure?
  - Should a conference of the parties under the future agreement be empowered to adopt complementary measures?
- (iii) the process if no action is taken by a relevant legal instrument or framework or relevant global, regional, subregional and sectoral body pursuant to a recommendation of a conference of the parties under the future agreement (as described in article 19 Alt. 1, paragraph(1)(c)(i) and article 19 Alt. 2, paragraph 1(c)), either due to the inability to form a consensus, for example, or a deliberate decision?
 

Should a conference of the parties be able to act in the event no action is taken?

What time period is reasonable for relevant legal instruments, frameworks and bodies to act?
- (iv) the process if the actions taken by two or more relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies are not mutually supportive?
- (v) the relationship between MPAs established by a limited number of States outside the framework of the agreement and the agreement?
  - What process should apply to such MPAs? Would such MPAs need to be established/designated under the future agreement in order to achieve “global status” or would that be a duplication of effort?

## **Question 3**

- How would the future agreement ensure that its overall objectives with respect to measures such as ABMTs, including MPAs, have been met?
- When, how and on what basis would the effectiveness of measures that are adopted for an established/designated ABMT, including MPA, be determined and who would be responsible for such determination?
- What action would be taken if the measures are ineffective and who would take such action?