



Office of Legal Affairs
Division for Ocean Affairs
and the Law of the Sea

The Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Biodiversity of Areas Beyond National Jurisdiction (BBNJ Agreement)

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and the Law of the Sea, Office of Legal Affairs
(DOALOS)

8th Meeting of OACPS Ministers
Responsible for Oceans, Inland Waters and Fisheries
Dar es Salaam, Tanzania
9-13 September 2024

L'ONU adopte un accord pour protéger la haute mer

الأمم المتحدة تقرّ معاهدة أعالي البحار

Gobiernos adoptan formalmente el Tratado de Alta Mar, preparando el camino para una mayor protección de los océanos

UN adopts 'historic' high seas treaty



The Law of the Sea
United Nations Convention
on the Law of the Sea

with Index and Final Act
of the Third
United Nations Conference
on the Law of the Sea



United Nations Convention on the Law of the Sea (UNCLOS)

- Known as “Constitution for the ocean”
- 170 Parties

The “UNCLOS family”

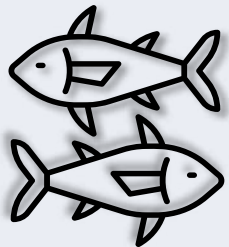
- Implementing agreements



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- Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (*adopted on 28 July 1994; entered into force on 28 July 1996*)



- United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (*adopted on 4 August 1995; entered into force on 11 November 2001*)

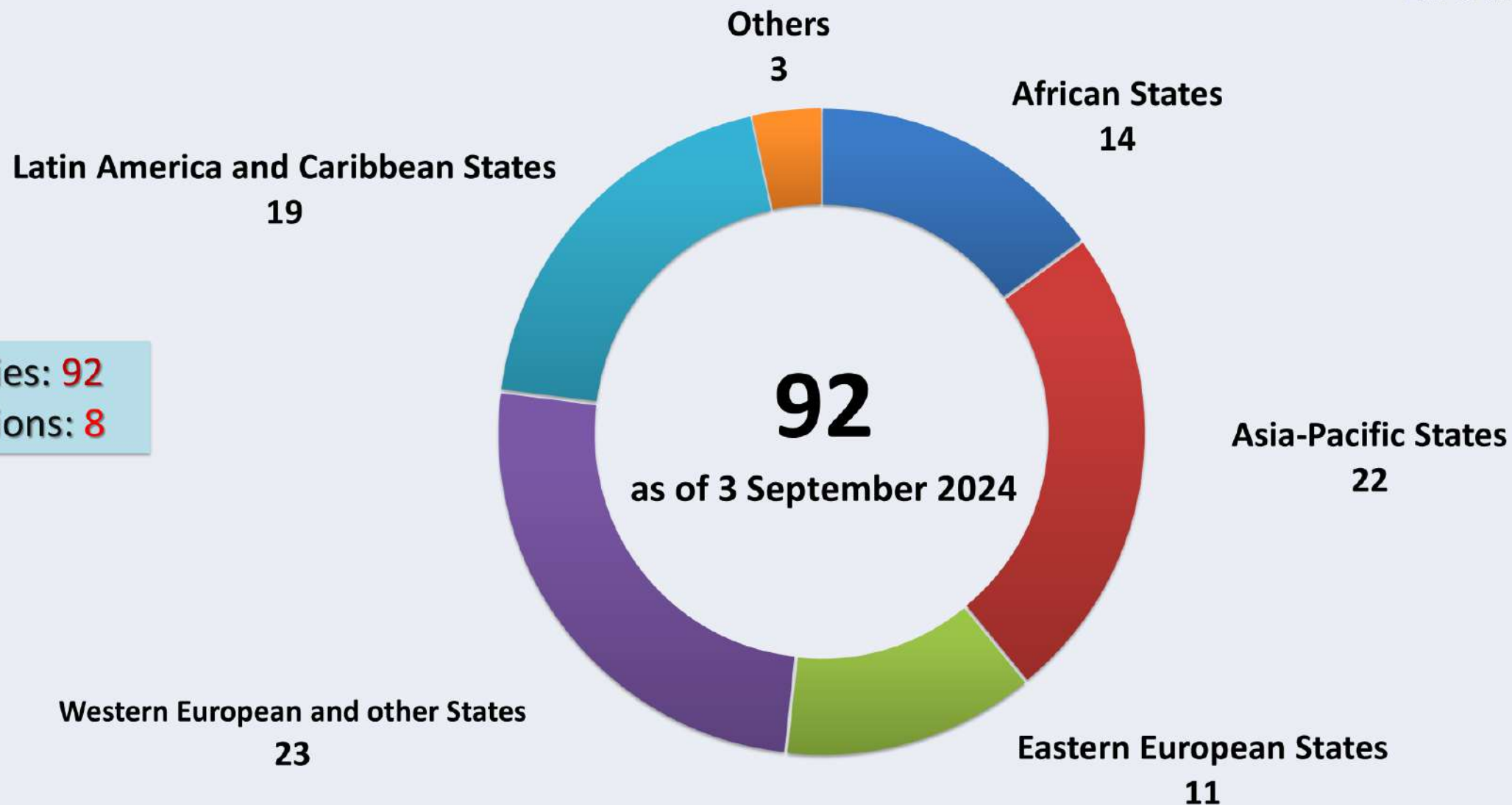
BBNJ Agreement: third implementing agreement to UNCLOS

- Consistency with UNCLOS
- Not prejudice the rights, jurisdiction and duties of States under the Convention
- Legal status of non-parties to UNCLOS not affected by the Agreement



Current status of the BBNJ Agreement

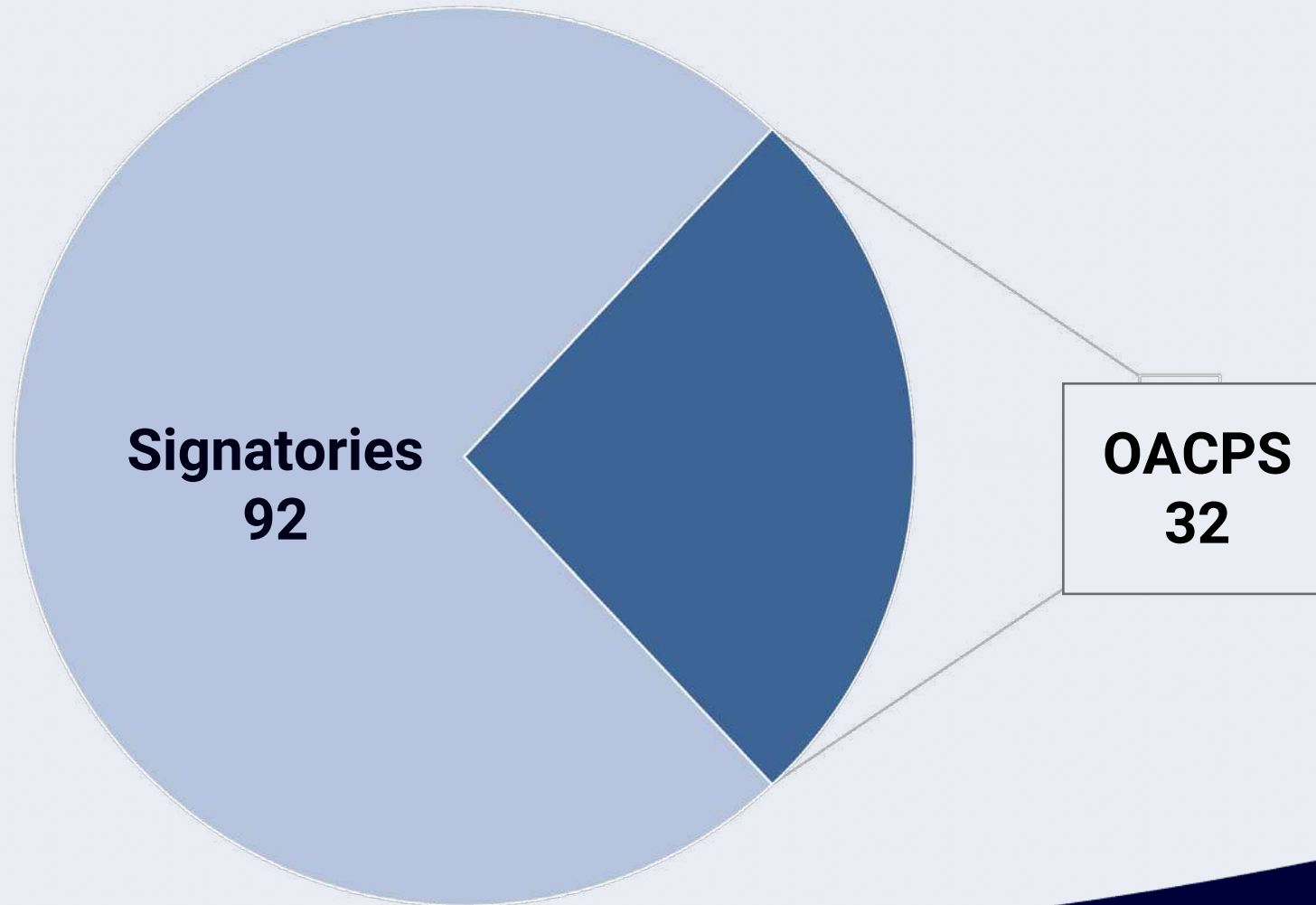
Signatories: **92**
Ratifications: **8**



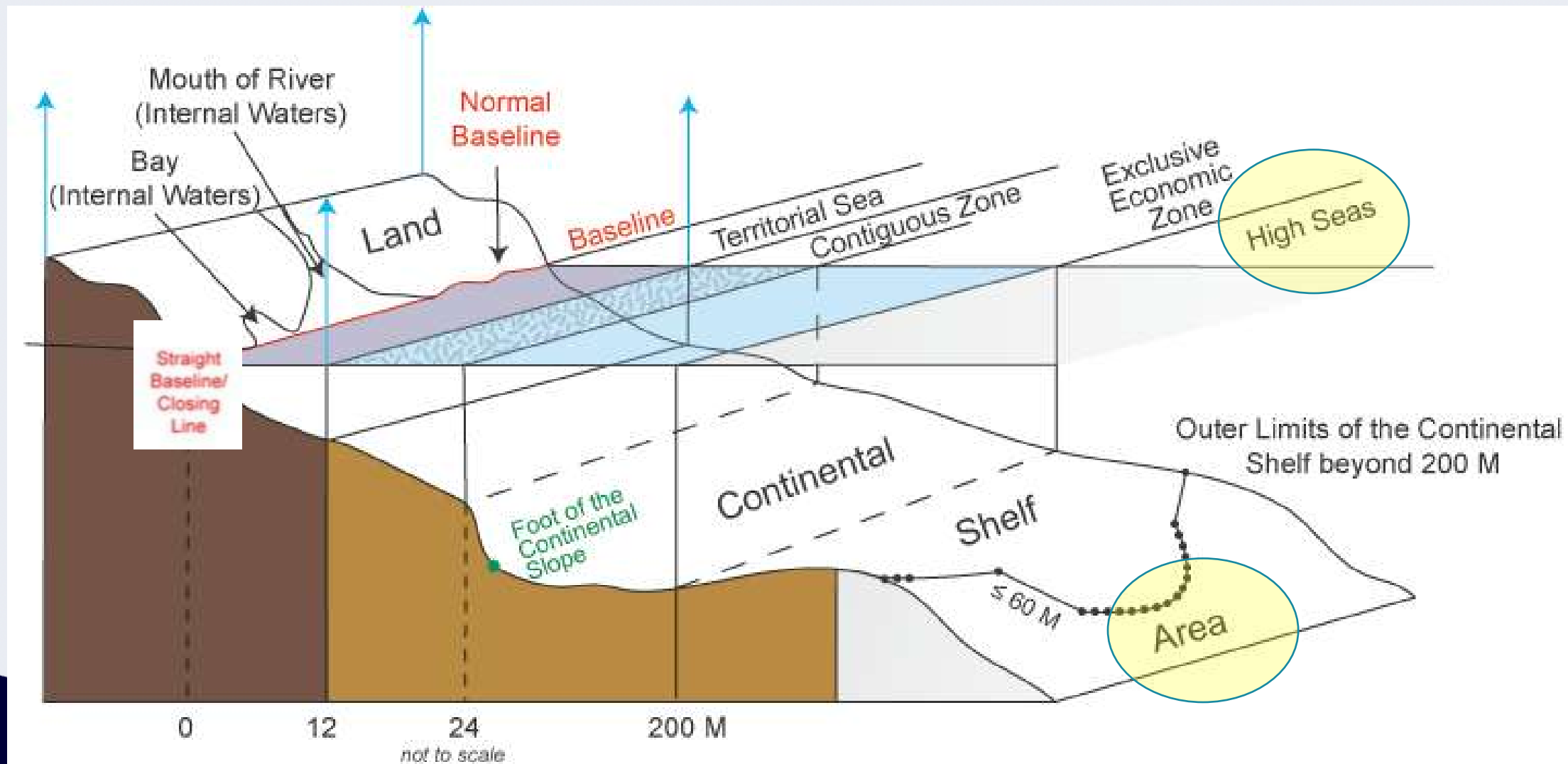
OACPS and BBNJ



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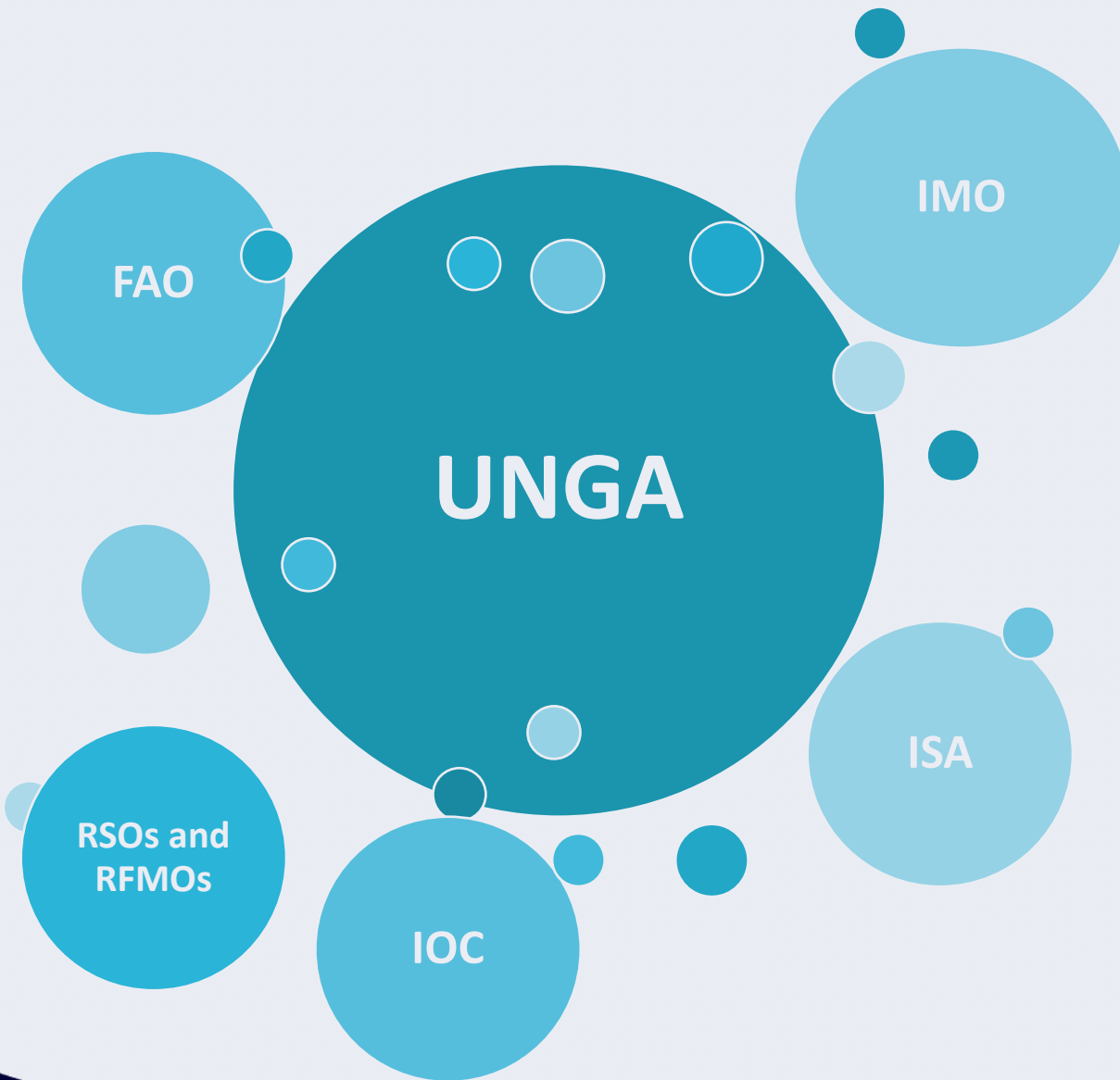


Maritime zones – overview



... where
several threats
and pressures
may have a
cumulative
impact

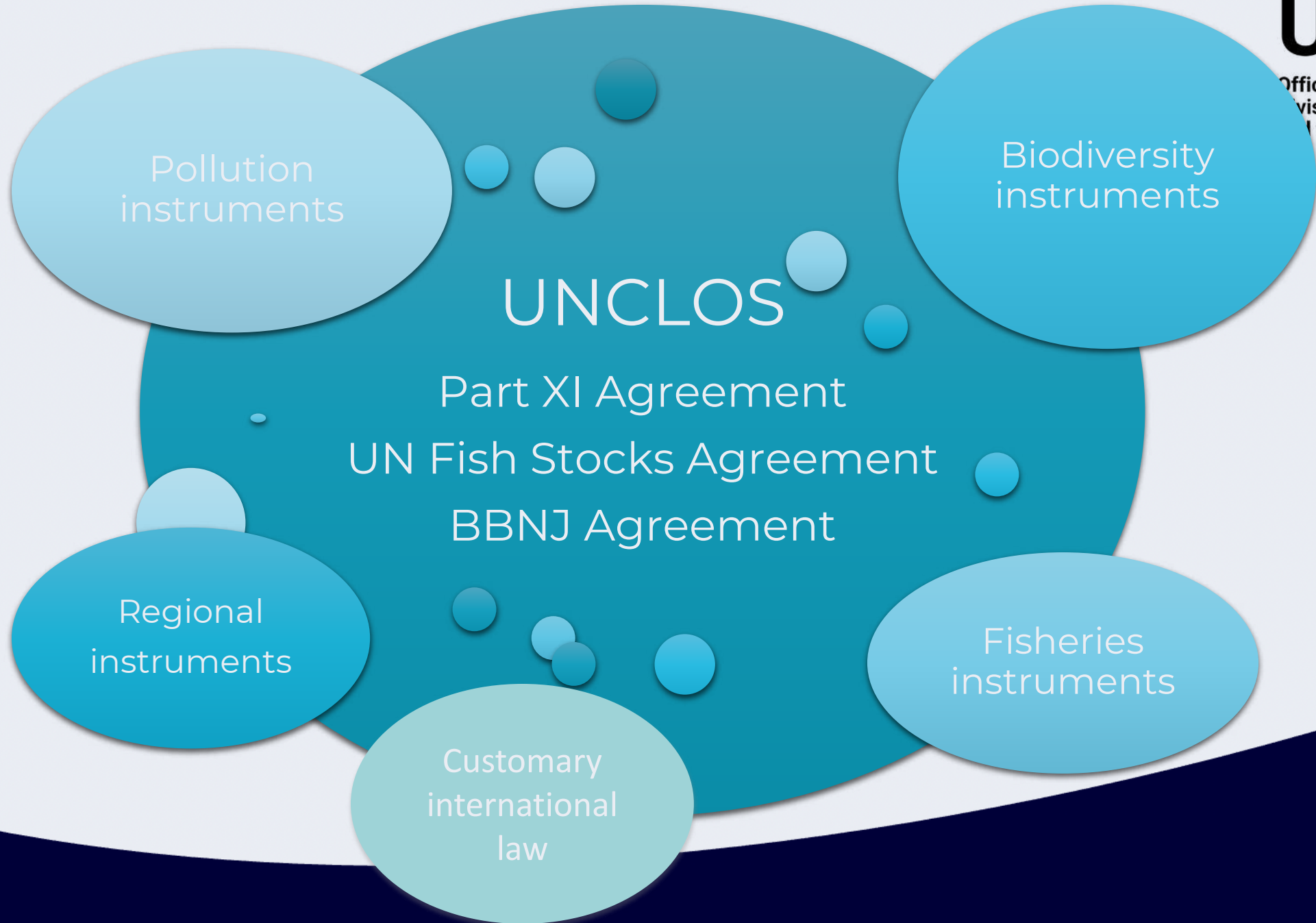




... where several sectoral organizations have competence

... where there was no overall cross-sectoral mechanism to address cumulative impacts

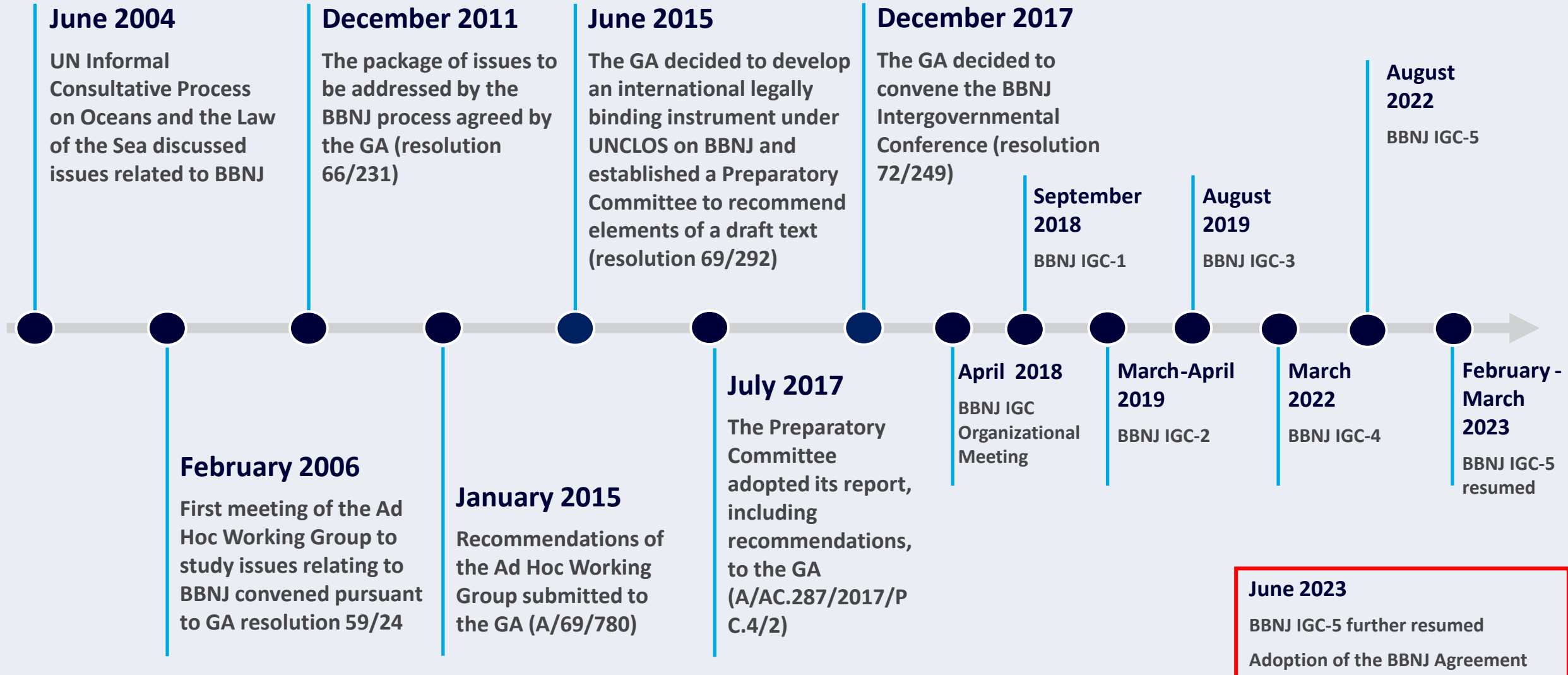
... where different legal regimes apply



BBNJ Timeline



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Why does the BBNJ Agreement matter?



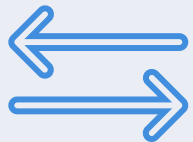
A path towards greater level-playing field



A vital step for our planet



A significant development for ocean affairs and the law of the sea



A crucial contributor to relevant global goals and targets

What is in the Agreement?



❖ **A package of issues**

❖ **Cross-cutting issues**

❖ **14 general principles and approaches**



Relationship with other relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies (IFBs)

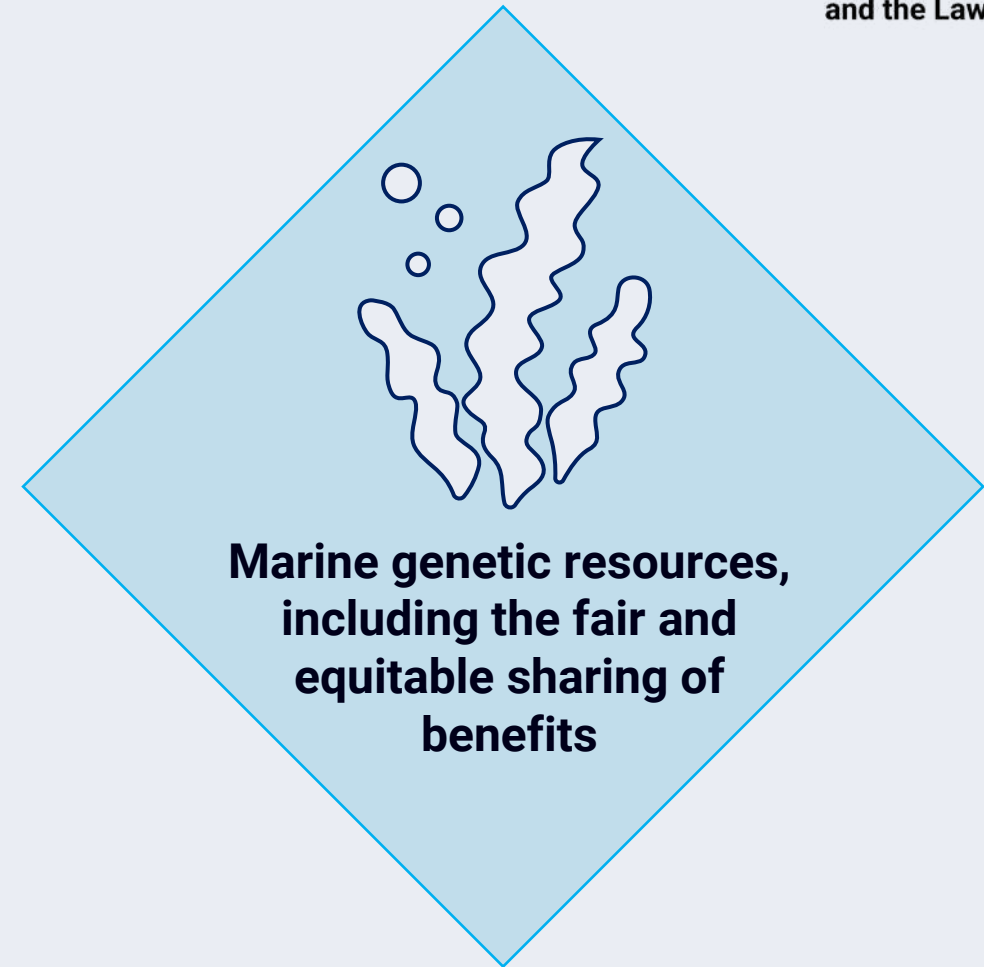
- Not undermine relevant IFBs
- Promote coherence and coordination with relevant IFBs



International cooperation

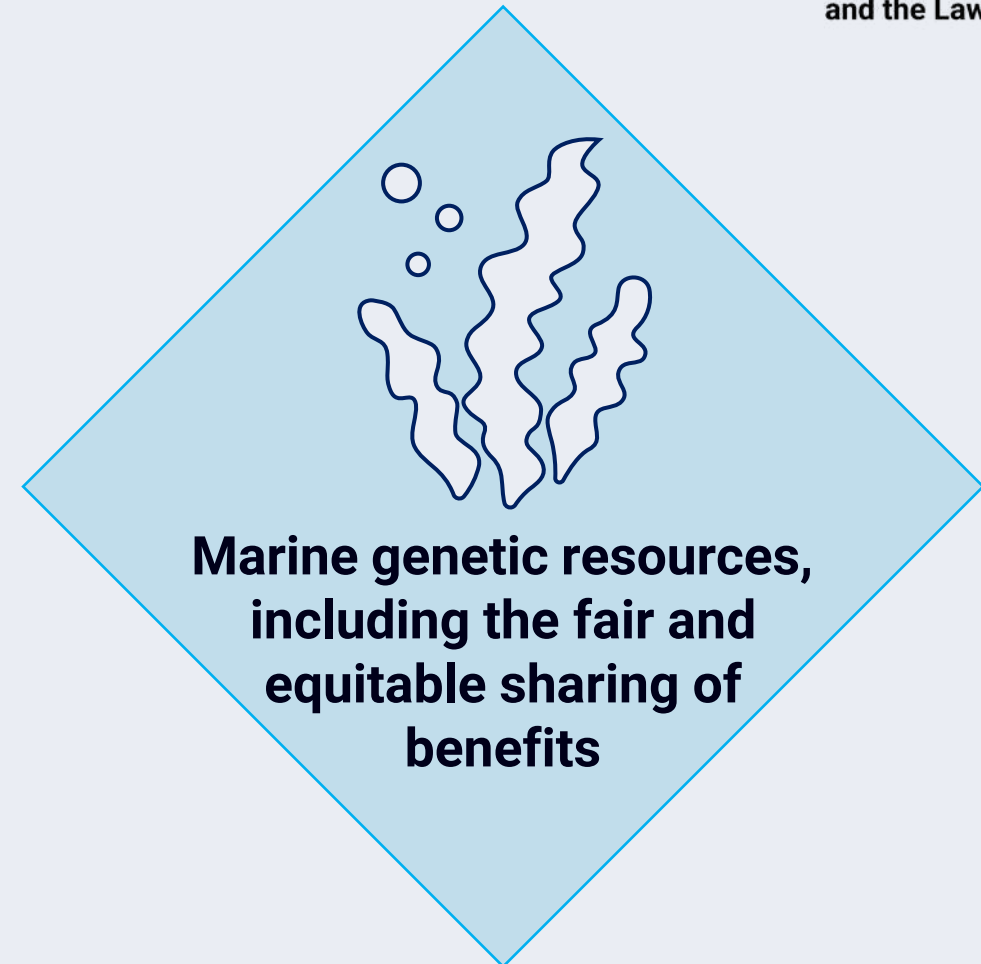
- Cooperate under the Agreement, including through strengthening and enhancing cooperation with and among relevant IFBs
- Endeavour to promote the objectives of the Agreement when participating in decision-making under other relevant IFBs

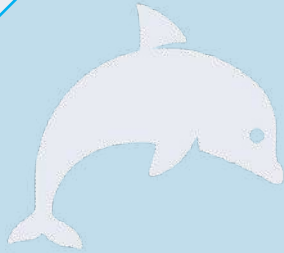
- Application (“carve-outs”)
- Activities with respect to marine genetic resources (MGRs) and digital sequence information (DSI) on MGRs
- Notification
- Traditional knowledge of Indigenous Peoples and local communities
- Benefit-sharing (non-monetary and monetary)
- Access and benefit-sharing committee
- Monitoring and transparency



Main obligations of Parties

- Take the necessary legislative, administrative or policy measures
 - Notification
 - Deposit in repositories and databases
 - Free PIC of IPLCs
- Share benefits
- Submit reports to the ABS Committee

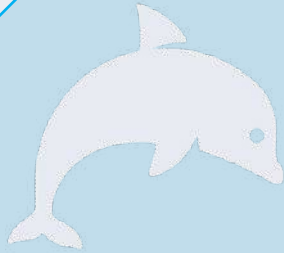




Measures such as area-based management tools, including marine protected areas

- Area of Application
- Proposals on area-based management tools (ABMTs), including marine protected areas (MPAs)
- Publicity, consultations, assessments
- Establishment of ABMTs including MPAs
- Implementation
- Monitoring and review

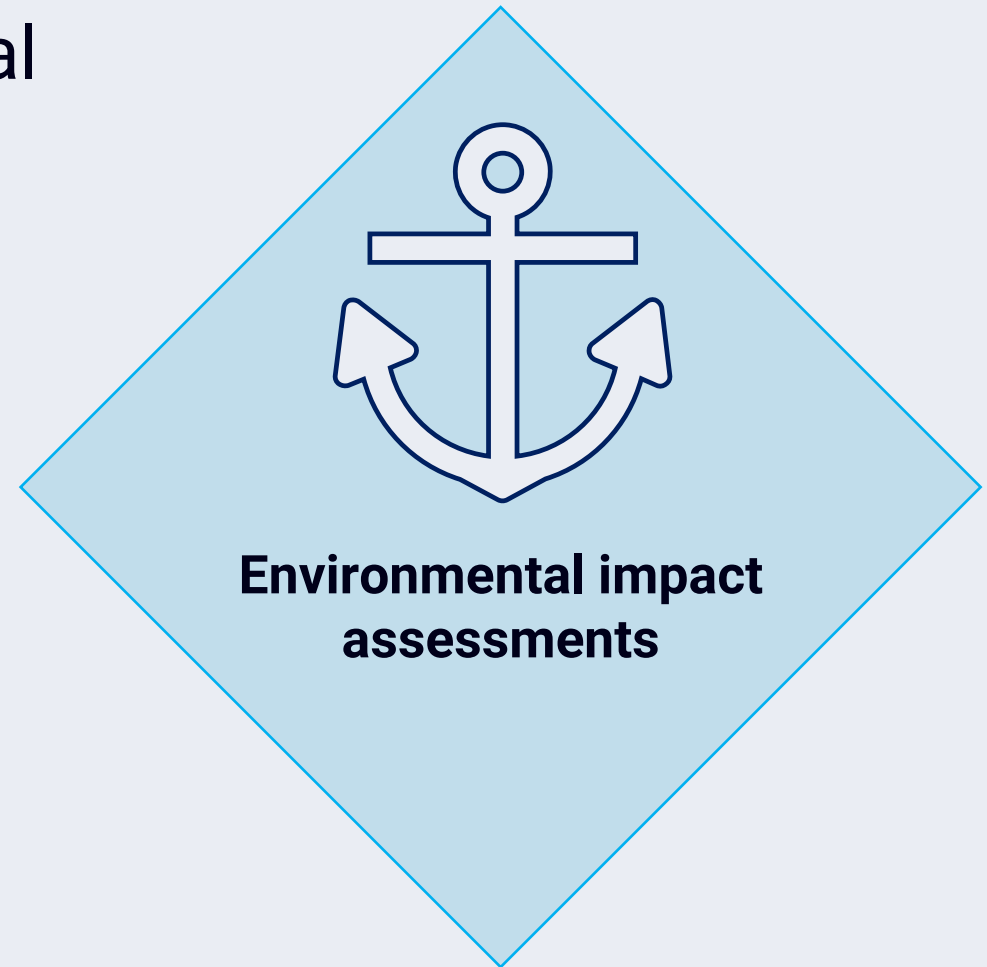
Main obligations of Parties



Measures such as area-based management tools, including marine protected areas

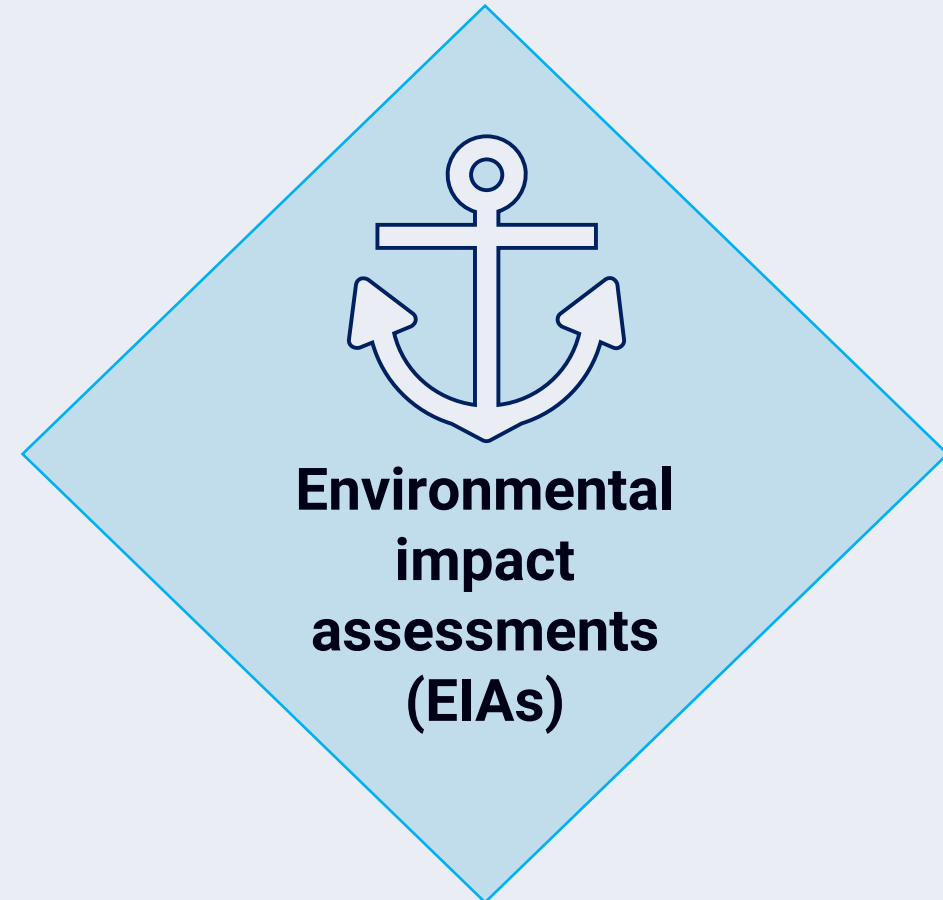
- Consult and collaborate with relevant stakeholders
- Ensure that activities are conducted consistently with the decisions on ABMTs, including MPAs
- Promote the adoption of measures within relevant IFBs
- Encourage those States that are entitled to become Parties to adopt measures supporting the decisions by the COP on ABMTs, including MPAs
- Report to the COP

- Obligation to conduct environmental impact assessments (EIAs)
- Thresholds and factors for conducting EIAs
- Process for EIAs
- Relationship with other relevant frameworks/instruments/bodies
- State decision-making
- Monitoring, reporting and review
- Other provisions



Main obligations of Parties

- Conduct EIAs for:
 - Activities in ABNJ
 - Activities that may cause substantial pollution of or significant and harmful changes to the marine environment in ABNJ
- Promote EIA use in IFBs
- Conduct public notification and consultation
- Prepare EIA reports
- Monitor, report and review





**Capacity-building
and the transfer of
marine technology**

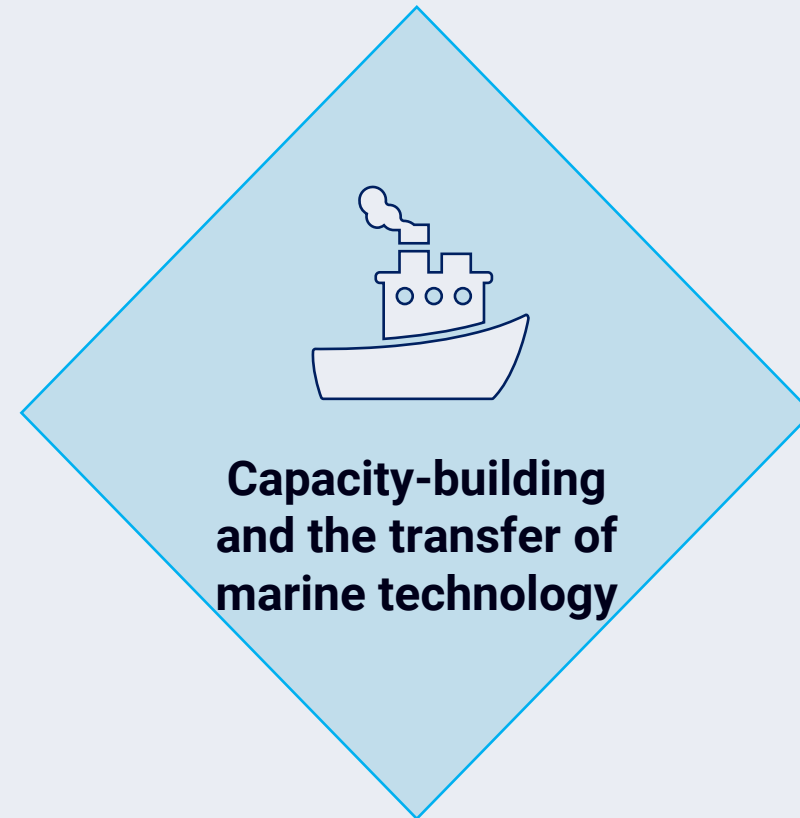
- Obligation to cooperate in capacity-building (CB) and transfer of marine technology (TMT)
- Modalities for CB&TMT
- Additional modalities for TMT
- Types of CB&TMT
- Monitoring and review
- Capacity-building and transfer of marine technology committee

Main elements

Parties:

- Cooperate at all levels and in all forms
- Ensure CB for developing States Parties
- Cooperate to achieve TMT
- Needs assessment, support, monitoring and review

Role of CB&TMT Committee and CHM



Other provisions



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General provisions

Institutional arrangements

Funding

Implementation and compliance

Settlement of disputes

Non-parties to the Agreement

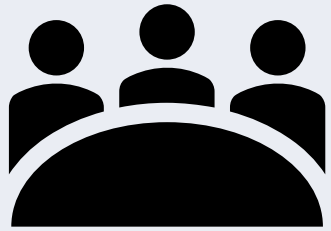
Good faith and abuse of rights

Final provisions

Institutional arrangements



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Conference of the Parties (COP)



Secretariat



Scientific and
Technical Body



Access and Benefit-
Sharing Committee



Clearing-
House
Mechanism



Implementation
and Compliance
Committee



Capacity-Building
and Transfer of
Marine Technology
Committee



Finance
Committee

Funding

- Assessed contributions
- A voluntary trust fund
- A special fund
- The Global Environment Facility (GEF) trust fund
- COP may consider the possibility to establish additional funds to finance rehabilitation and ecological restoration
- An initial resources mobilization goal through 2030

Implementation and Compliance



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Parties to the Agreement to:

- **Take measures to implement the Agreement**
- **Report on the Implementation to the Conference of the Parties**
 - Format and frequency of the reports to be determined by the Conference of the Parties

Implementation and Compliance Committee:

- **Facilitative in nature**
- **Functioning in a transparent, non-adversarial, non-punitive manner**
 - Consider issues of implementation at the generic and individual levels,
 - Report periodically and,
 - Make recommendations to the Conference of the Parties.

**“You have pumped
new life and hope to
give the ocean a
fighting chance.”**

- António Guterres, UN Secretary-General

- **Open for signature: 2 years from 20 September 2023**
- **Entry into force: 60 instruments**





Summary

Why become a party?

BBNJ Agreement: Developing States

- Support for developing States Parties through capacity-building and the development and transfer of marine technology as essential elements for the attainment of the objectives of conservation and sustainable use of BBNJ recognized the Preamble of the Agreement.
- References to developing States throughout the Agreement, including capacity-building and/or support, particularly for developing States Parties, ***“in particular the least developed countries, landlocked developing countries, geographically disadvantaged States, small island developing States, coastal African States, archipelagic States and developing middle-income countries”***, in the objectives of Parts II, III, IV and V of the Agreement.
- Full recognition shall be given to the special requirements of developing States Parties in the management of the Clearing House Mechanism.

BBNJ Agreement: Developing States



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- Institutional representation of LDCs, LLDCs and SIDS in Access and Benefit Sharing Committee and CB&TMT Committee.
- Financial mechanism shall assist developing States Parties in implementing the Agreement, including through CBTMT.
- Voluntary trust fund created by the Agreement to facilitate participation of developing States in meetings of bodies under the Agreement, in particular of representatives from LDCs, LLDCs and SIDS.

What is needed for effective implementation of the Agreement?



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- Broad participation
- Administrative, policy, legal and regulatory frameworks
- International cooperation and coordination
- Capacity-building and the transfer of marine technology
- Funding and resources
- Scientific research, cooperation and data sharing
- Stakeholder engagement



Next steps...

- DOALOS to perform the secretariat functions until the secretariat to be established under the Agreement commences its functions
- Entry into force and convening of COP-1
- Preparatory Commission established by General Assembly resolution 78/272



Next steps...



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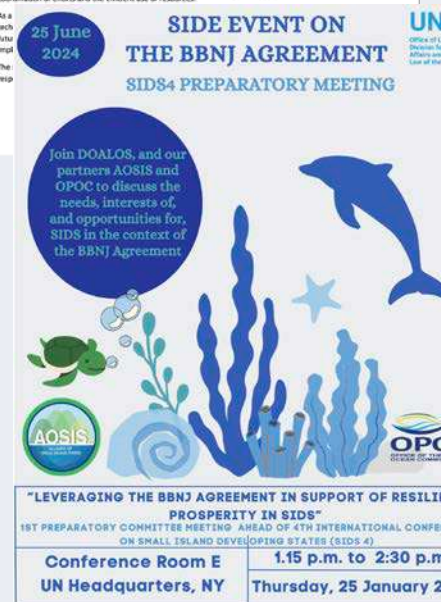
- Promoting a better understanding of the Agreement and preparing for entry into force
- Facilitating inter-agency coordination and cooperation of the UN system in supporting the entry into force and implementation of the Agreement, including through UN-Oceans

DOALOS programme of activities



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- Capacity needs and priority assessments toolkit
- National technical assistance (needs assessment consultancy; national workshop)
- Regional workshops
- Briefings
- Side events
- Capacity-building and outreach materials
- Website for the Agreement
- Project funded by the European Union



Visit un.org/bbnjagreement or email doalos@un.org

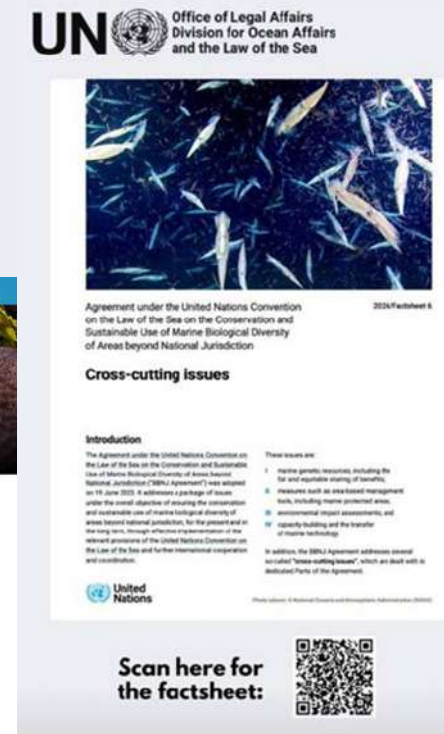
Activities to promote a better understanding of the Agreement and prepare for its entry into force (cont.)

- DOALOS factsheets
- DOALOS/UNEP InforMEA online course
- DOALOS/GEF capacity-building and technical assistance needs survey

Visit:
www.un.org/bbnjagreement



The screenshot shows the InforMEA learning platform interface. At the top, it says "InforMEA learning" with "LOGIN" and "REGISTER" buttons. The main heading is "Introductory Course to the 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". Below this, there is a "Course overview" section with a description of the course's purpose. To the right, there is a "Course details" section with a "Download syllabus" button and a "Take course" button. At the bottom, there are logos for the United Nations, the Office of Legal Affairs, the Environment Programme, and InforMEA.



The screenshot shows a UN factsheet titled "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". It features a blue header with the UN logo and the text "Office of Legal Affairs, Division for Ocean Affairs and the Law of the Sea". The main image is a photograph of blue fish swimming in the ocean. Below the image, there is a section titled "Cross-cutting issues" and an "Introduction" section. At the bottom right, there is a QR code and the text "Scan here for the factsheet:".

Factsheets on the BBNJ Agreement

- Factsheet 1: Overview of the BBNJ Agreement
- Factsheet 2: Marine genetic resources, including the fair and equitable sharing of benefits
- Factsheet 3: Measures such as area-based management tools, including marine protected areas
- Factsheet 4: Environmental impact assessments
- Factsheet 5: Capacity-building and the transfer of marine technology
- Factsheet 6: Cross-cutting issues

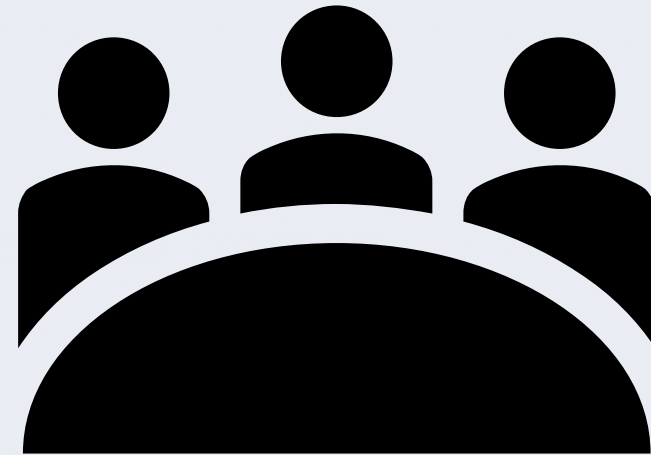
Regional workshops

- Pacific (8 to 11 July 2024, Suva, Fiji, hosted by the Office of the Pacific Ocean Commissioner)
- North-East and South-East Asia (16 to 20 September 2024, Bangkok, Thailand, hosted by the United Nations Economic and Social Commission for Asia and the Pacific)
- Caribbean small island developing States (7 to 10 October 2024, Placencia, Belize, hosted by the Government of Belize)
- Latin America (14 to 18 October 2024, Santiago, Chile, hosted at the headquarters of the United Nations Economic Commission for Latin America and the Caribbean, with the support of the Government of Chile)
- Atlantic and Mediterranean coasts of Africa
- Indian Ocean (including the Arabian Sea and the Bay of Bengal), the Red Sea and Gulf of Arden and the ROPME/RECOFI area



National technical assistance

- Upon request
- Consultancy for national needs and priorities assessment
- National stakeholders workshop



**For more information and how
to access support?**



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<https://www.un.org/bbnjagreement>

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Thank You



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