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 (BBNJ Agreement)

Amber Maggio, Legal Officer, UN DOALOS/OLA
Workshop on BBNJ for CPLP Countries
Lisbon, Portugal

13-15 May 2024
UN adopts 'historic' high seas treaty
Why does the Agreement matter?

What is in the Agreement?
“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: 120 days after 60 instruments of ratification, approval, acceptance or accession
Signatories: 90
Parties: 5

90
as of 9 May 2024

Latin America and Caribbean States
18

African States
14

Asia-Pacific States
21

Eastern European States
11

Western European and other States
23

Others
3
Developing States signatories by selected Categories identified in the Agreement

<table>
<thead>
<tr>
<th>Category</th>
<th>Number of Signatories</th>
</tr>
</thead>
<tbody>
<tr>
<td>LDCs</td>
<td>40</td>
</tr>
<tr>
<td>LLDCs</td>
<td>30</td>
</tr>
<tr>
<td>SIDS</td>
<td>20</td>
</tr>
<tr>
<td>Coastal African States</td>
<td>10</td>
</tr>
<tr>
<td>Developing MICs</td>
<td>100</td>
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</tbody>
</table>

Number of signatories in the category

- 169 Parties
- Known as “Constitution for the ocean”
- the legal framework within which all activities in the oceans and seas must be carried out
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
BBNJ Agreement

Maritime zones – overview
... where several threats and pressures may have a cumulative impact.
Some RSOs and RFMOs

... where several sectoral organizations have competence

... where there was no overall cross-sectoral coordinating mechanism for management
June 2004
UN Informal Consultative Process on Oceans and the Law of the Sea discussed issues related to BBNJ

December 2011
The package of issues to be addressed by the BBNJ process agreed by the GA (resolution 66/231)

June 2015
The GA decided to develop an international legally binding instrument under UNCLOS on BBNJ and established a Preparatory Committee to recommend elements of a draft text (resolution 69/292)

December 2017
The GA decided to convene the BBNJ Intergovernmental Conference (resolution 72/249)

January 2015
Recommendations of the Ad Hoc Working Group submitted to the GA (A/69/780)

July 2017
The Preparatory Committee adopted its report, including recommendations, to the GA (A/AC.287/2017/P.C.4/2)

April 2018
BBNJ IGC Organizational Meeting

March-April 2019
BBNJ IGC-2

March 2022
BBNJ IGC-4

February-March 2023
BBNJ IGC-5 resumed

June 2023
Adoption of the BBNJ Agreement
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
• Sharing of both monetary and non-monetary benefits
• Access to traditional knowledge of Indigenous Peoples and local communities
• Access and benefit-sharing committee
• Notification
• Publicity, consultations, assessments of proposals
• Establishment of ABMTs, including MPAs
• Monitoring and review
• Implementation of measures should not impose a disproportionate burden on Parties that are SIDS

Measures such as area-based management tools, including marine protected areas
• Requirement for environmental impact assessments (EIAs)
• Relationship with measures under IFBs
• Public notification and consultation
• State decision-making
• “Call-in” mechanism
• Joint EIAs possible, in particular for SIDS
• Strategic environmental assessments
• Obligation to cooperate in capacity-building (CB) and transfer of marine technology (TMT)
• Modalities for CB&TMT
• Types of CB&TMT
• Monitoring and review
Other provisions

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<td>Implementation and compliance</td>
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<td>Settlement of disputes</td>
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<td>Non-parties to the Agreement</td>
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<td>Good faith and abuse of rights</td>
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<td>Final provisions</td>
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</tbody>
</table>
Institutional arrangements

Conference of the Parties (COP)

- Scientific and Technical Body
- Implementation and Compliance Committee
- Finance Committee
- Access and Benefit-Sharing Committee
- Capacity-Building and Transfer of Marine Technology Committee

Secretariat

Clearing-House Mechanism
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 to 2030
How to become a Party

Two-step process:
- Signature
  20 Sep. 2023 - 20 Sep. 2025
- Ratification
- Approval
- Acceptance

Single-step process:
- Accession
  From 21 Sep. 2025
Next steps & role of DOALOS

• To perform the secretariat functions until the secretariat to be established under the Agreement commences its functions
• To promote a better understanding of the Agreement
• To prepare for the entry into force of the Agreement
• To facilitate inter-agency coordination and cooperation of the UN system in supporting the entry into force and implementation of the Agreement, including through UN-Oceans
Summary

Why become a party?
Thank You

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