



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

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

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

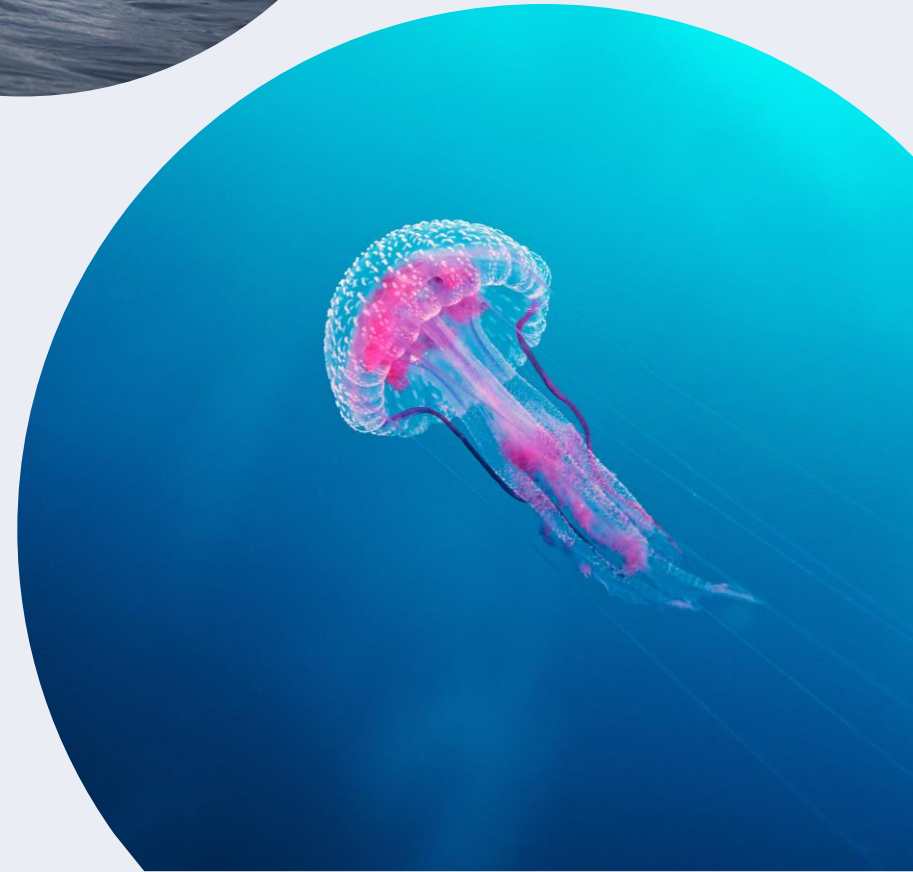
UN adopts 'historic' high seas treaty





Why does the Agreement matter?

What is in the Agreement?

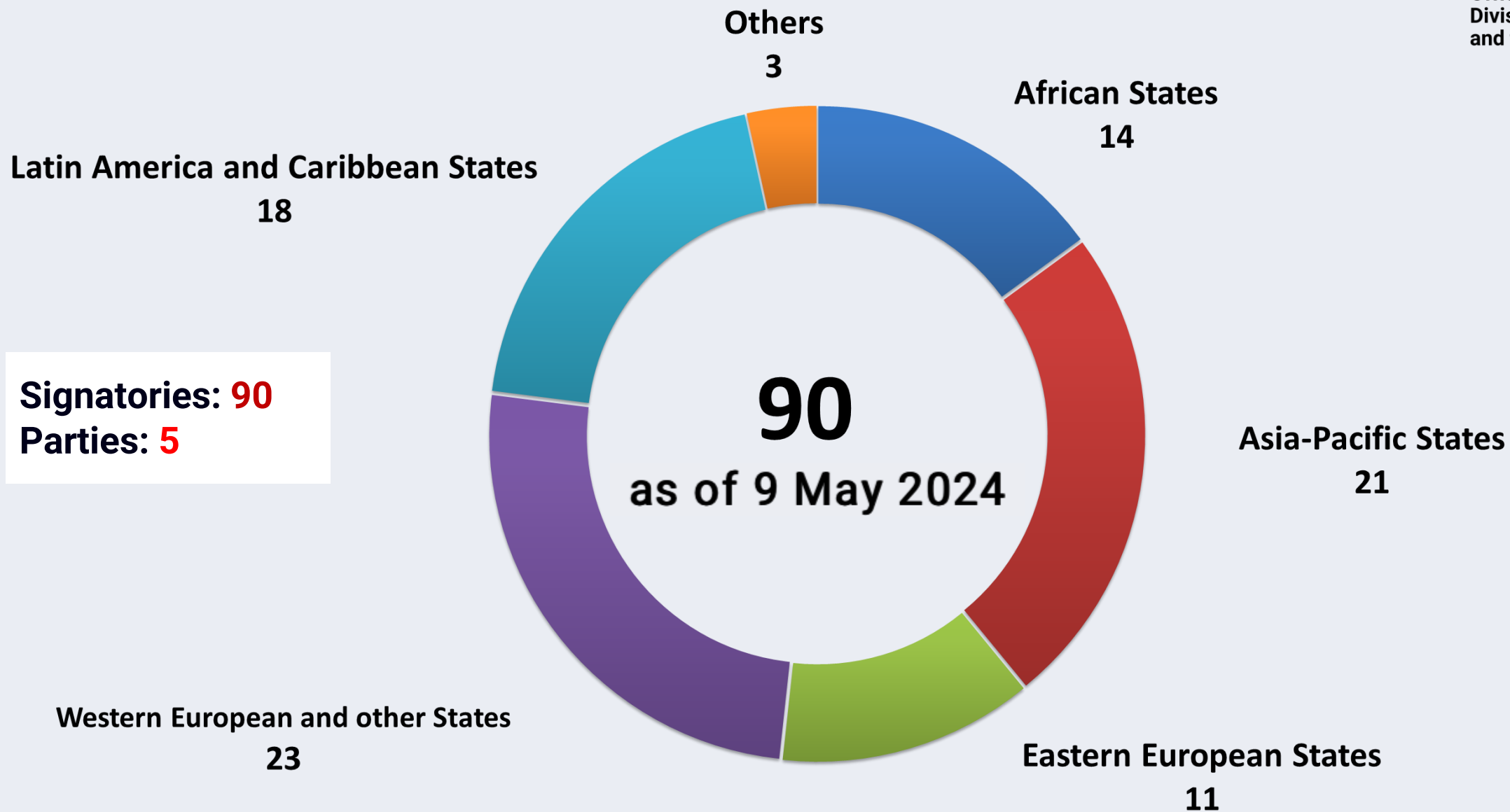


“You have pumped new life and hope to give the ocean a fighting chance.”

- 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**

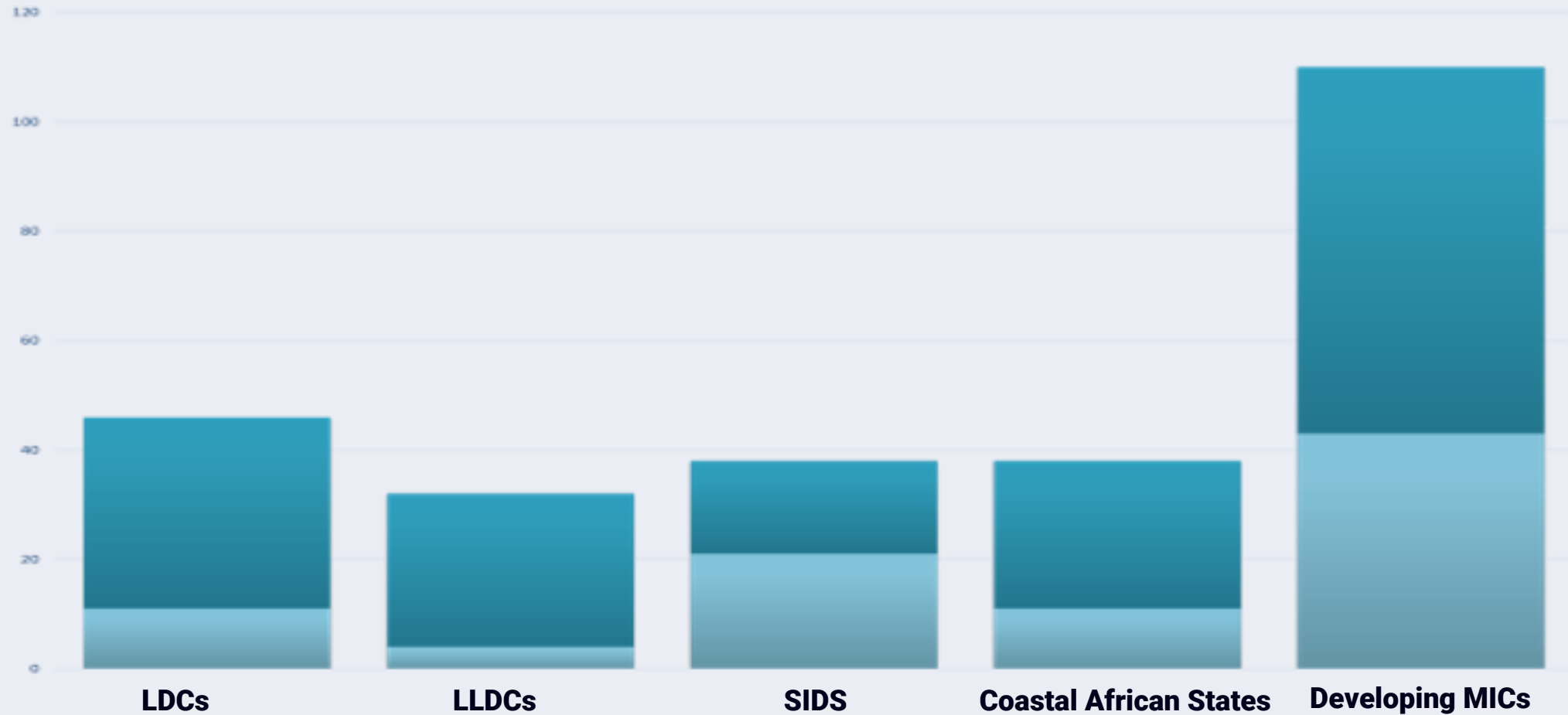




Developing States signatories by selected Categories identified in the Agreement



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■ Number of signatories in the category

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)

- 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



اتفاق مُبرم في إطار اتفاقية الأمم المتحدة لقانون البحار بشأن حفظ التنوع البيولوجي
البحري في المناطق الواقعة خارج حدود الولاية الوطنية واستخدامه على نحو مستدام

《联合国海洋法公约》下国家管辖范围以外区域
海洋生物多样性的养护和可持续利用协定

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

ACCORD SE RAPPORTANT À LA CONVENTION DES
NATIONS UNIES SUR LE DROIT DE LA MER ET PORTANT
SUR LA CONSERVATION ET L'UTILISATION DURABLE DE LA
DIVERSITE BIOLOGIQUE MARINE DES ZONES NE RELEVANT
PAS DE LA JURIDICTION NATIONALE

СОГЛАШЕНИЕ НА БАЗЕ КОНВЕНЦИИ ОРГАНИЗАЦИИ
ОБЪЕДИНЕННЫХ НАЦИЙ ПО МОРСКОМУ ПРАВУ О СОХРАНЕНИИ И
УСТОЙЧИВОМ ИСПОЛЬЗОВАНИИ МОРСКОГО БИОЛОГИЧЕСКОГО
РАЗНООБРАЗИЯ В РАЙОНАХ ЗА ПРЕДЕЛАМИ ДЕЙСТВИЯ
НАЦИОНАЛЬНОЙ ЮРИСДИКЦИИ

ACUERDO EN EL MARCO DE LA CONVENCION DE LAS
NACIONES UNIDAS SOBRE EL DERECHO DEL MAR
RELATIVO A LA CONSERVACION Y EL USO SOSTENIBLE
DE LA DIVERSIDAD BIOLÓGICA MARINA DE LAS ZONAS
SITUADAS FUERA DE LA JURISDICCION NACIONAL

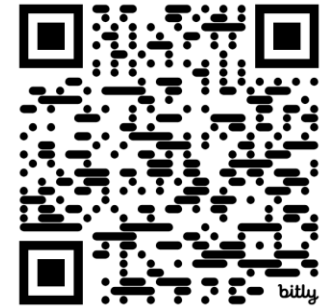


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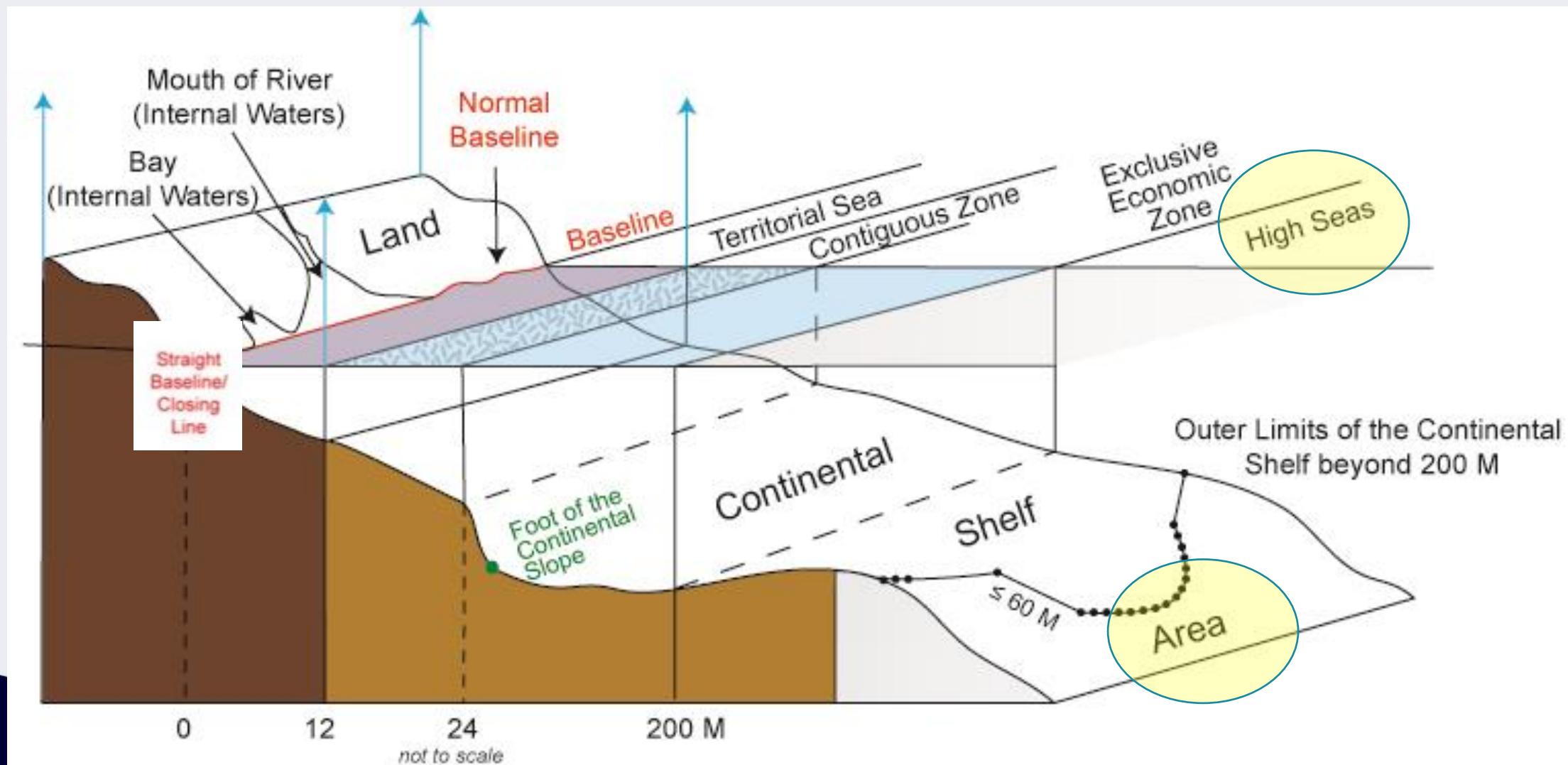
BBNJ Agreement

Third implementing agreement to
the *United Nations Convention on
the Law of the Sea (UNCLOS)*

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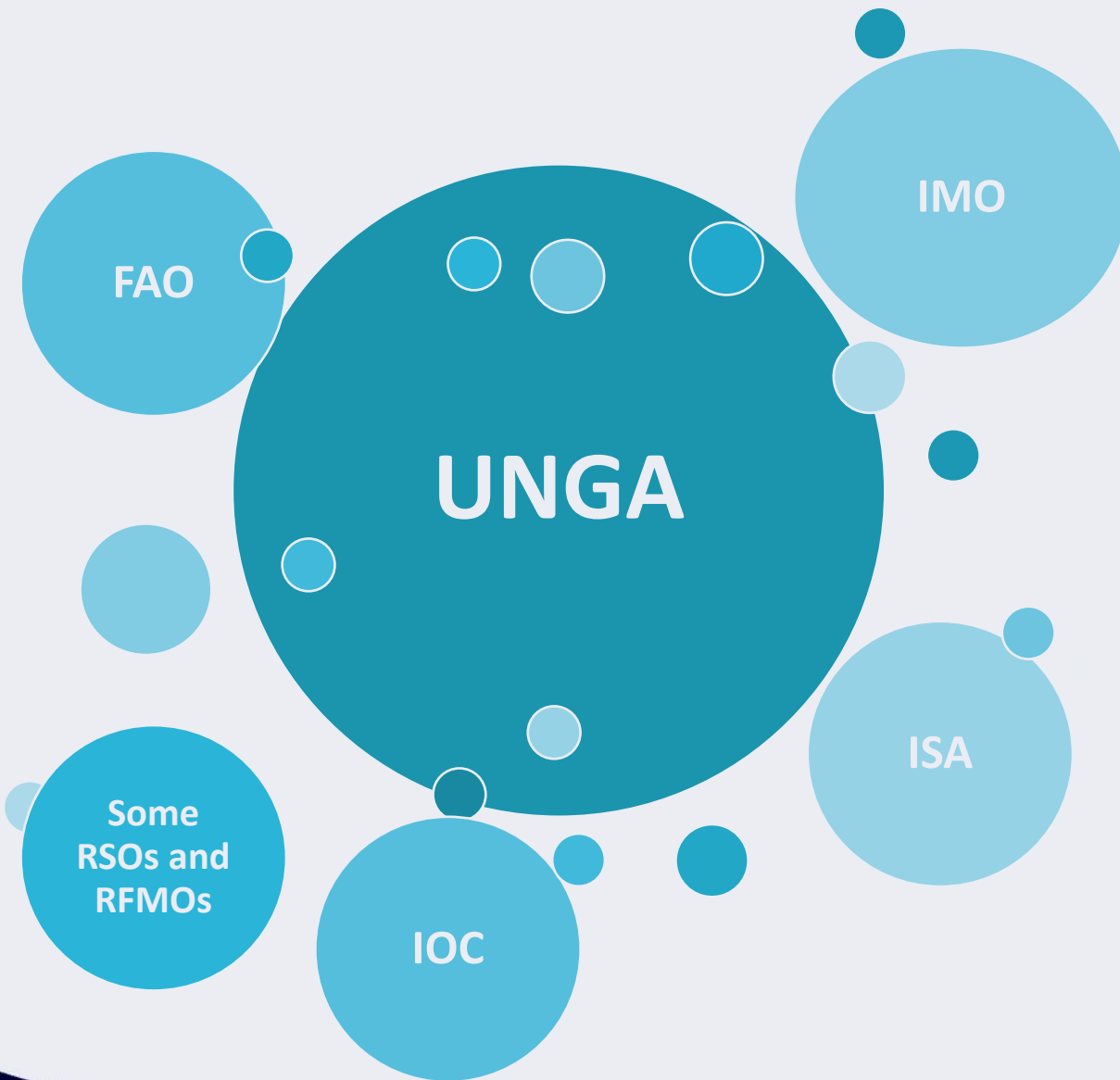


Maritime zones – overview



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





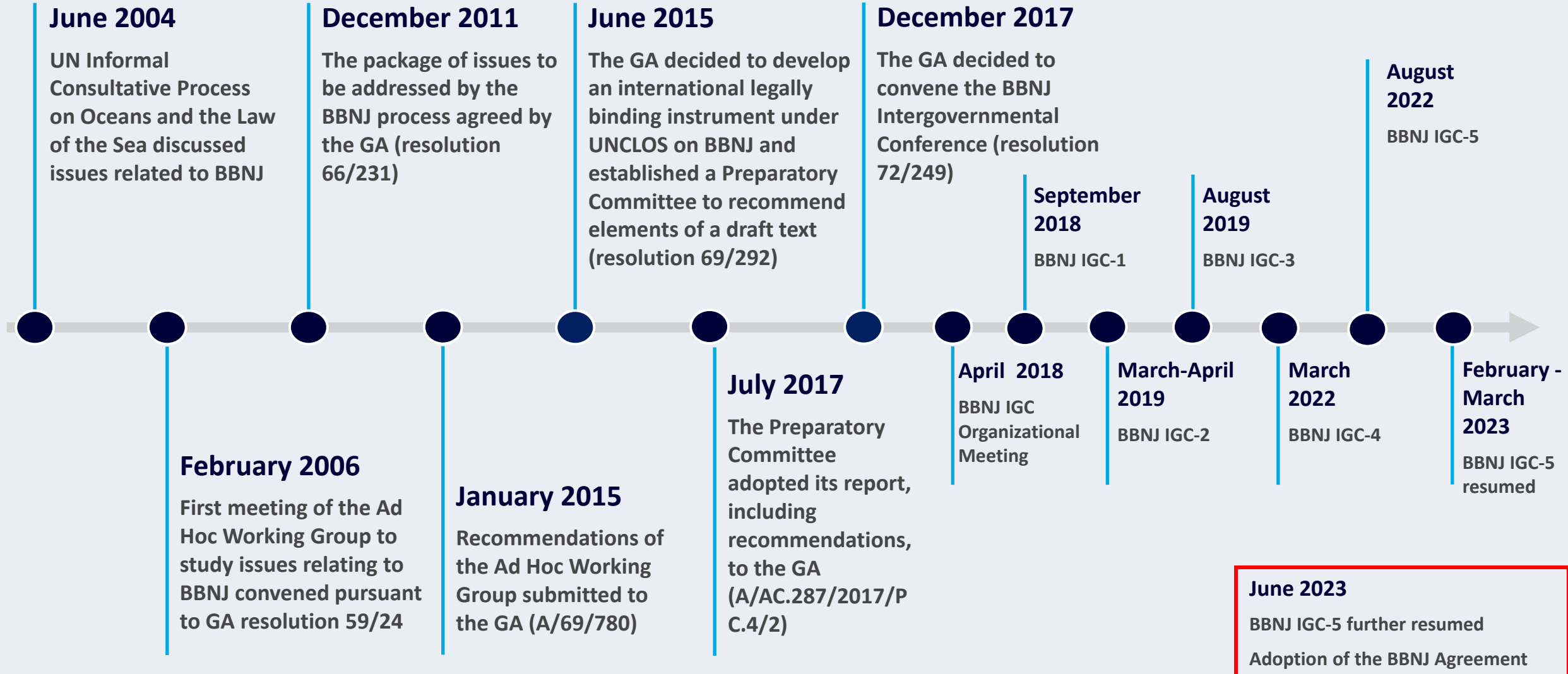
... where several sectoral organizations have competence

... where there was no overall cross-sectoral coordinating mechanism for management

BBNJ Timeline



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Why does the BBNJ Agreement matter?



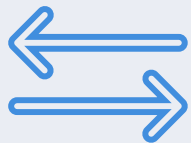
A path towards greater level-playing field



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**

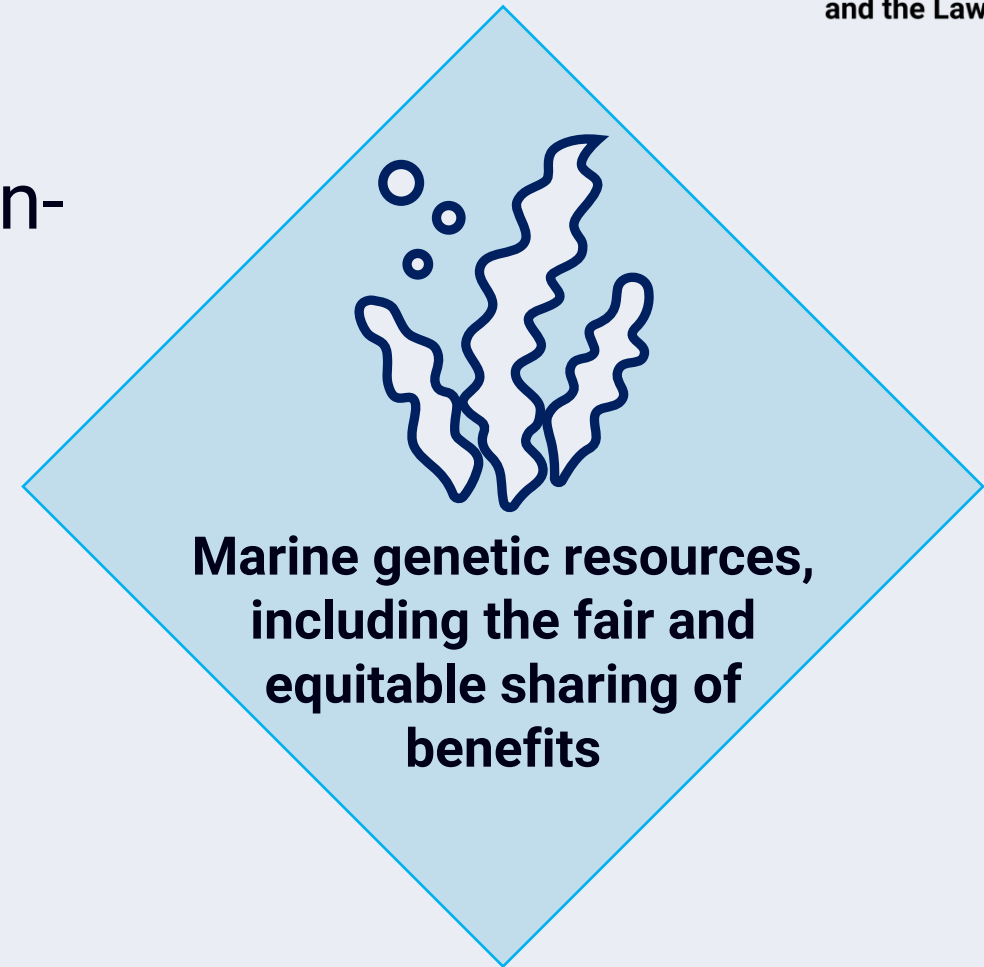
❖ **Cross-cutting issues**

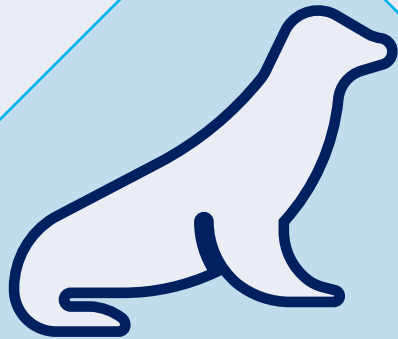
❖ **14 general principles and approaches**



- **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**

- Sharing of both monetary and non-monetary benefits
- Access to traditional knowledge of Indigenous Peoples and local communities
- Access and benefit-sharing committee
- Notification





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

- **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**

- 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





**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
- Types of CB&TMT
- Monitoring and review

Other provisions



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General provisions

Institutional arrangements

Funding

Implementation and compliance

Settlement of disputes

Non-parties to the Agreement

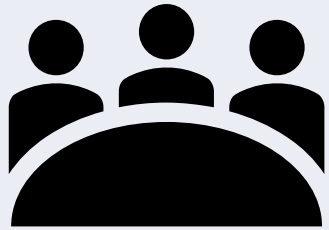
Good faith and abuse of rights

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



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- 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



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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



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Summary

Why become a party?



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Thank You



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