



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)

8 November 2023

*Regional Training Course on the UNCLOS 1982
in Fisheries Perspective*

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





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**Why does the Agreement
matter?**

What is in the Agreement?



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

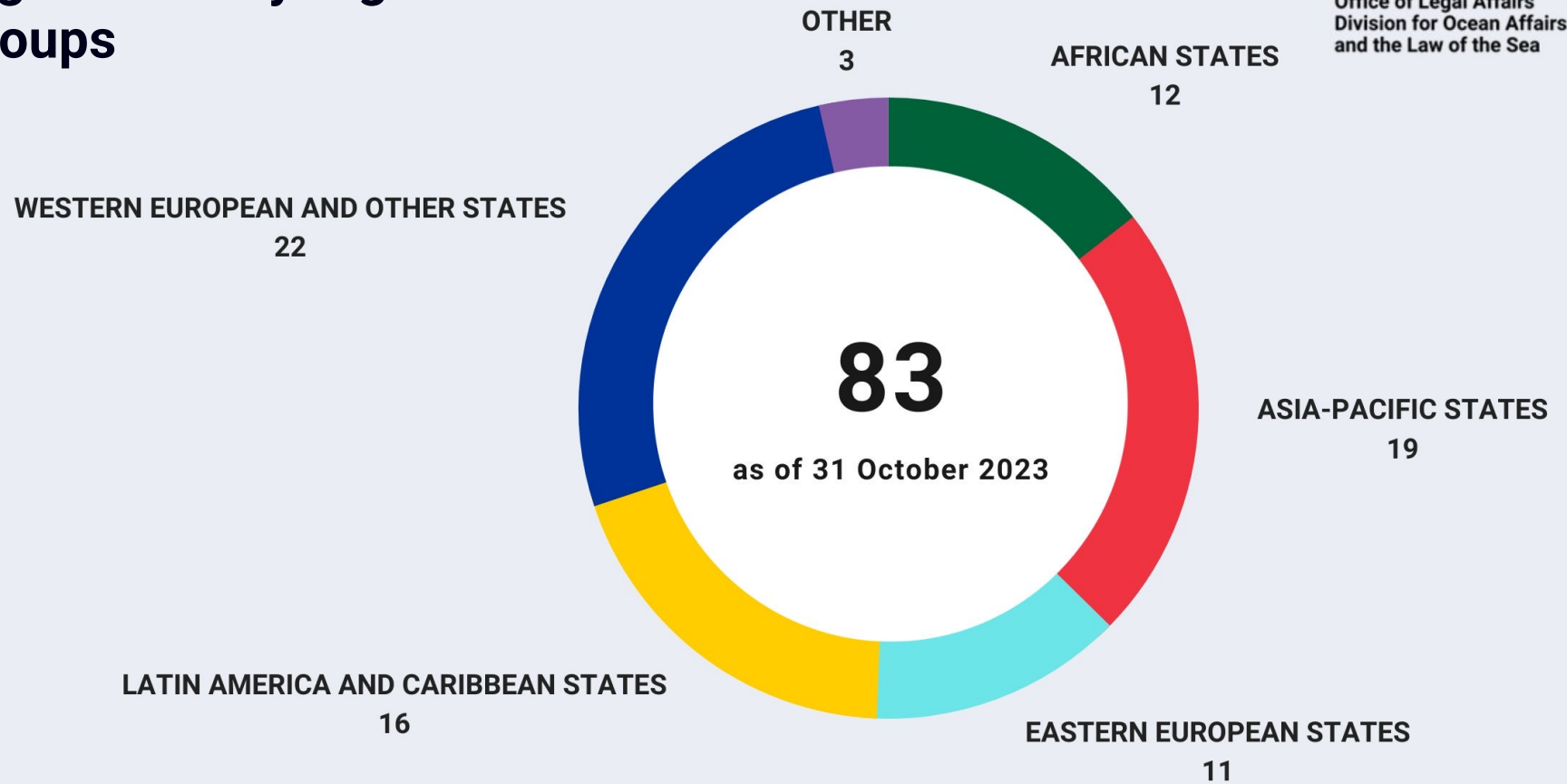
- António Guterres, UN Secretary-General

- **Open for signature: 2 years from 20 September 2023**
- **Entry into force: 120 days after 60 instruments of ratification, approval, acceptance or accession**



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Signatories by regional groups





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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)

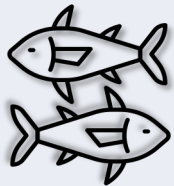
- 169 Parties
- Known as “Constitution for the ocean”

The “UNCLOS family”

- Implementing agreements



- 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*)

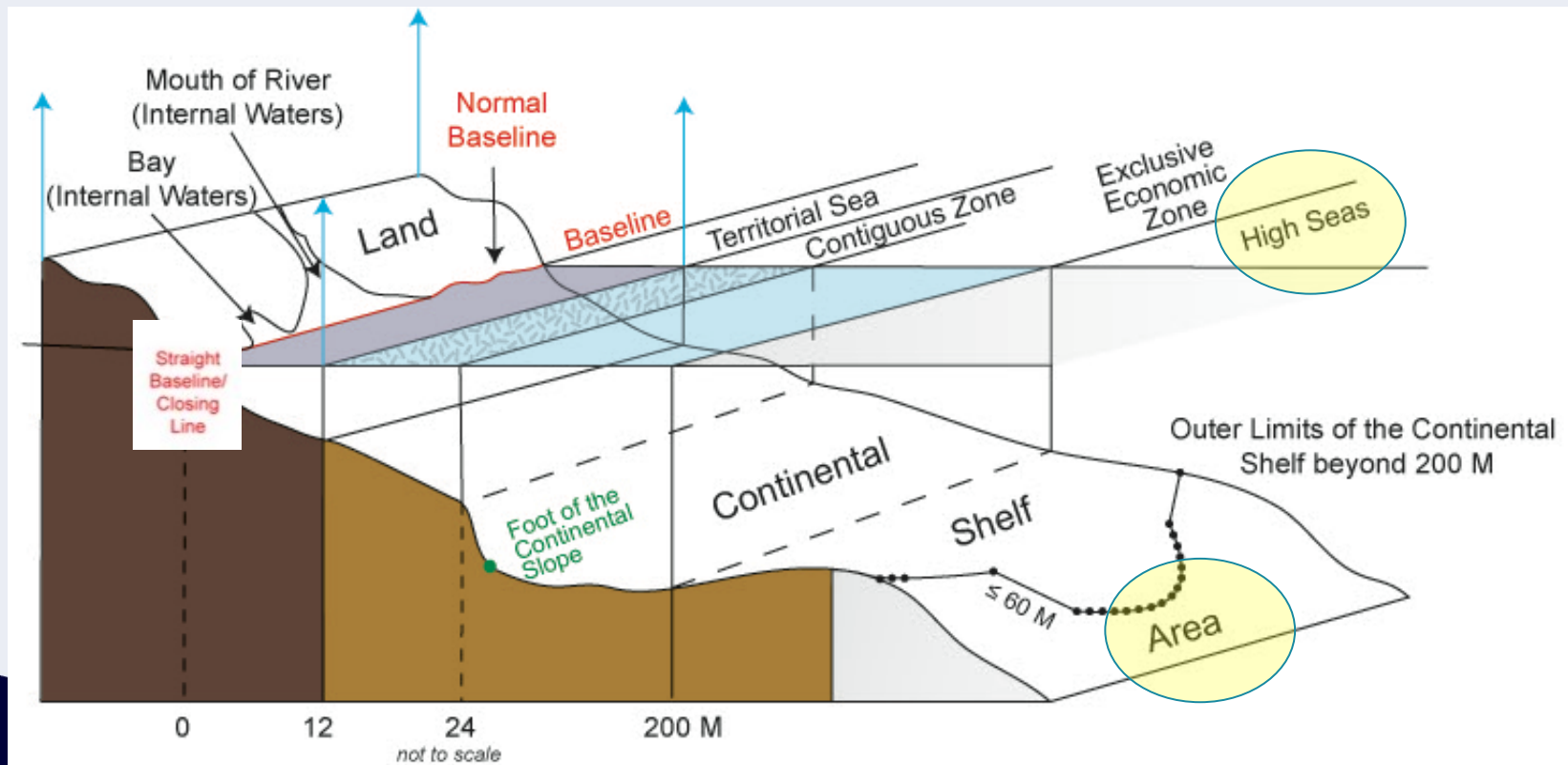
BBNJ Agreement: third implementing agreement to UNCLOS

- 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



UN World Oceans Day Photo Competition
@simonbiddie

Maritime zones – overview



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

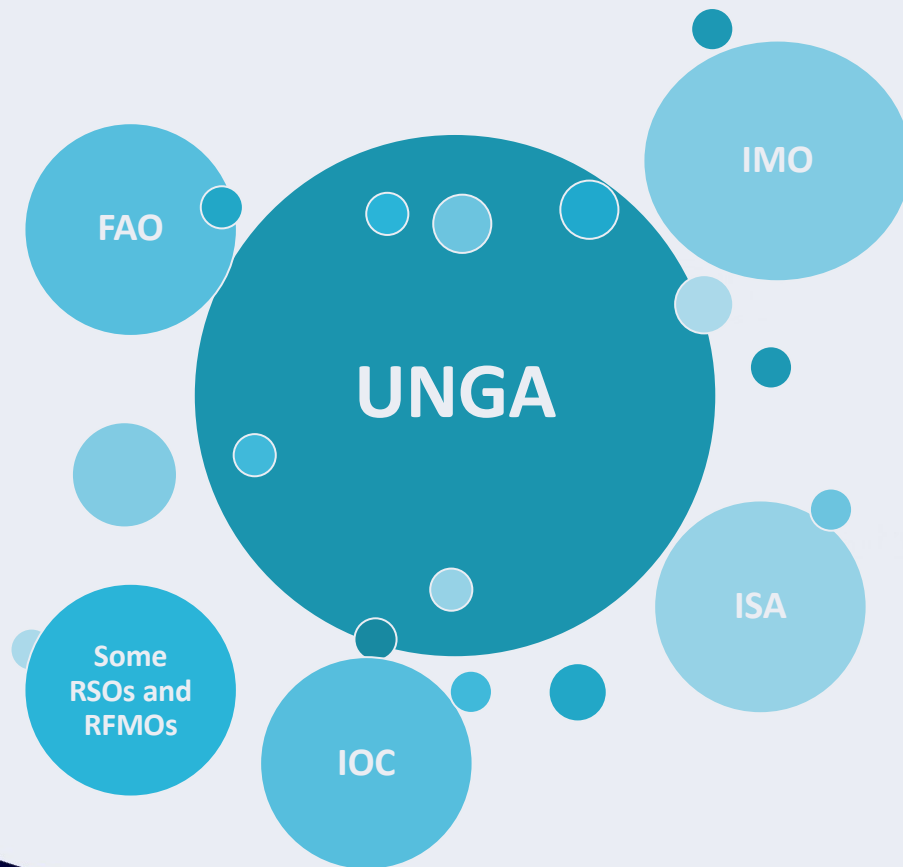


ARC CENTRE OF EXCELLENCE
Coral Reef Studies

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... where several sectoral organizations have competence

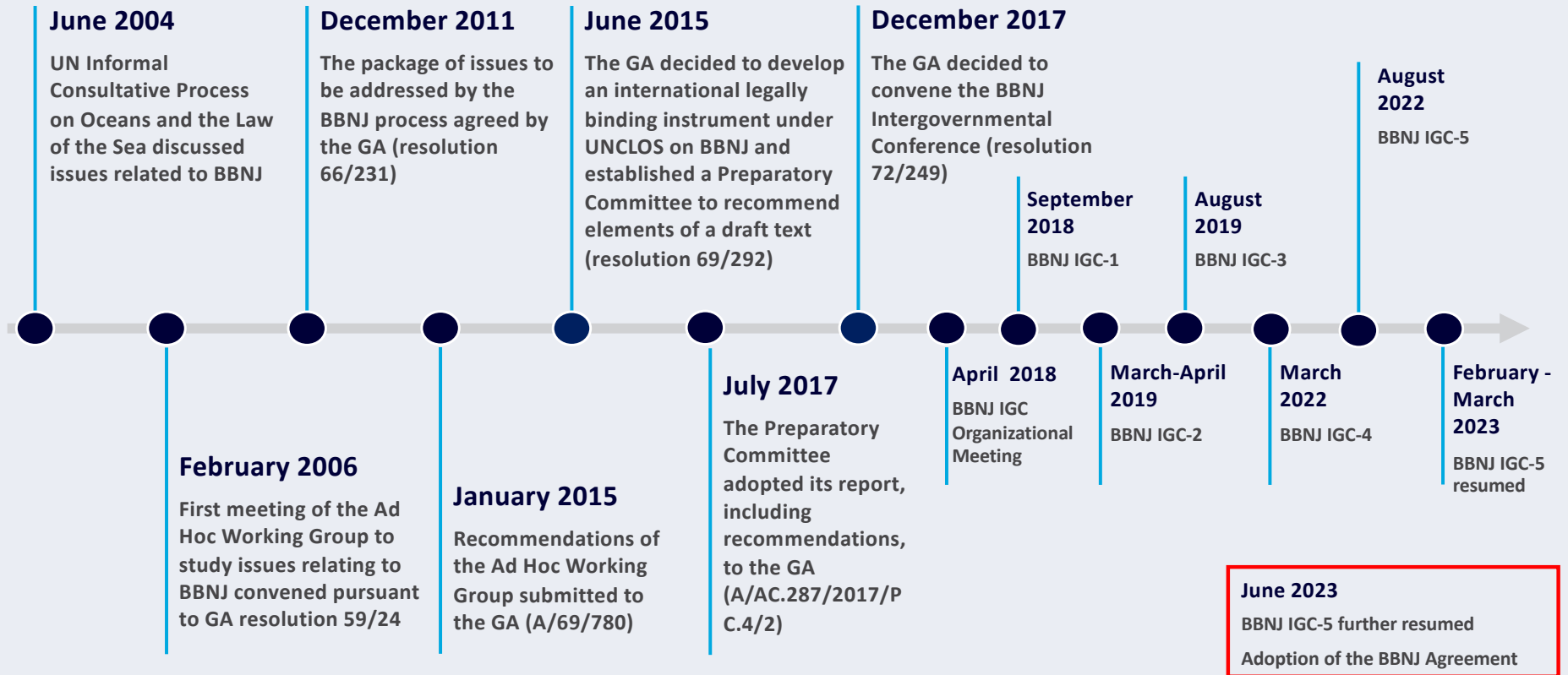
... where several international instruments apply

... where there was no overall cross-sectoral coordinated 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



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What is in the Agreement?

- ❖ A package of issues
- ❖ Cross-cutting issues
- ❖ 14 general principles and approaches

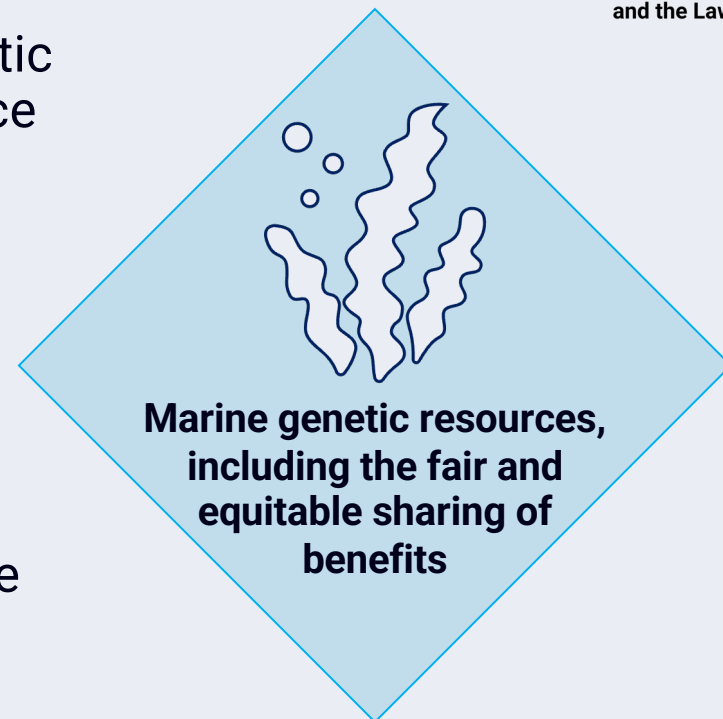


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- **Relationship with other relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies (IFBs):**
 - Not undermine relevant IFBs
 - Promote coherence and coordination with relevant IFBs
- **International cooperation**

- 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
- Application (“carve-outs”)





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Obligations of Parties

- Promote cooperation
- Take the necessary legislative, administrative or policy measures
- Submit reports to the ABS Committee



**Marine genetic resources,
including the fair and
equitable sharing of
benefits**



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

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



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

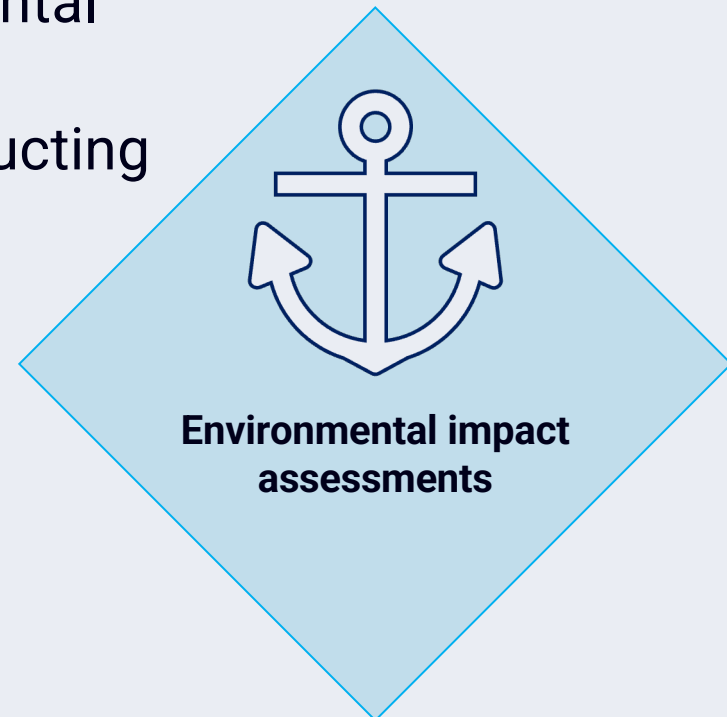
Obligations of Parties

- Ensure that activities are conducted consistently with the decisions on ABMTs, including MPASs.
- Promote the adoption of measures within relevant Submit reports
- Report to the COP



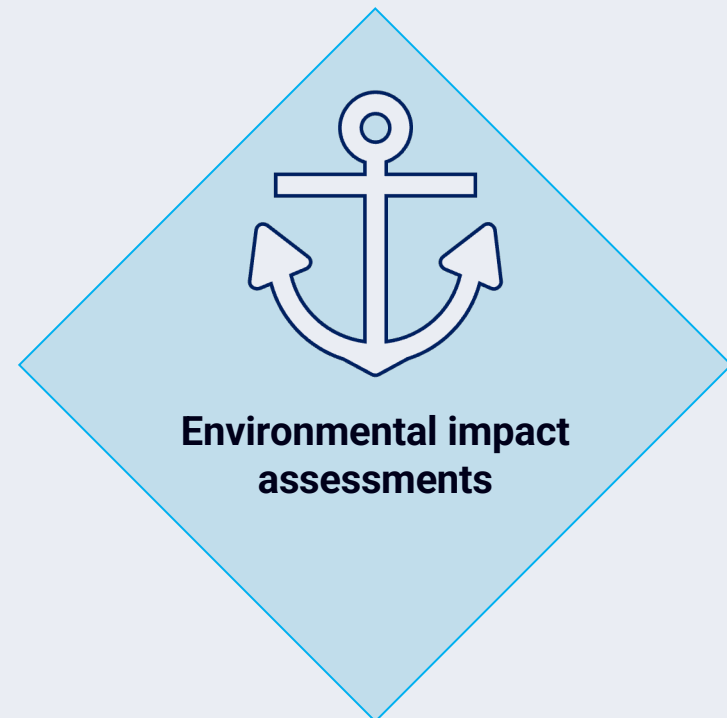
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- Obligation to conduct environmental impact assessments (EIAs)
- Thresholds and factors for conducting EIAs
- Process for EIAs
- Relationship with other relevant frameworks/instruments/bodies
- State-led decision-making
- Monitoring, reporting and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



Obligations of Parties

- Conduct of an EIA
- Preparation and publication of EIA report
- Public notification
- Monitoring and reporting of impacts
- Consider conducting strategic environmental assessments





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**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



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Implementation and Compliance

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.

Institutional arrangements



Conference of the Parties (COP)



**Scientific and
Technical Body**



**Access and Benefit-
Sharing Committee**



**Implementation
and Compliance
Committee**



**Capacity-Building
and Transfer of
Marine Technology
Committee**



**Finance
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

Dispute settlement

- Obligation to cooperate to prevent disputes and to settle disputes by peaceful means

Parties to UNCLOS

- Procedure accepted pursuant to article 287 of UNCLOS shall apply to the settlement of disputes under the Agreement
- ❖ Possibility to make a different choice of procedure

Non-Parties to UNCLOS

- Free to choose one or more of the procedures set out in art. 287
- ❖ By means of a declaration to the depositary

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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Thank You



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