

The BBNJ (Biodiversity Beyond National Jurisdiction) Agreement (aka The High Seas Treaty) – an Explainer

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References

2023 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 (<https://www.un.org/Depts/los/bbni.htm>)

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Croker, P.F. (2011) Extending Ireland's continental shelf jurisdiction to the outer limits in the Porcupine Abyssal Plain: progress, issues and experience to date. OPRF Seminar, February 2011, Tokyo (available on ResearchGate)

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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, also known as the “BBNJ Agreement”, was adopted on 19 June 2023. It is currently awaiting ratification by 60 States (currently 8 have done so), after which it will enter into force.

The BBNJ Agreement covers four main issues:

- Marine genetic resources, including the fair and equitable sharing of benefits;
- Measures such as area-based management tools, including marine protected areas;
- Environmental impact assessments; and
- Capacity-building and the transfer of marine technology.

It also addresses so-called “cross-cutting issues”, which are transversal topics that support the implementation of the Agreement and are relevant to the four main issues.

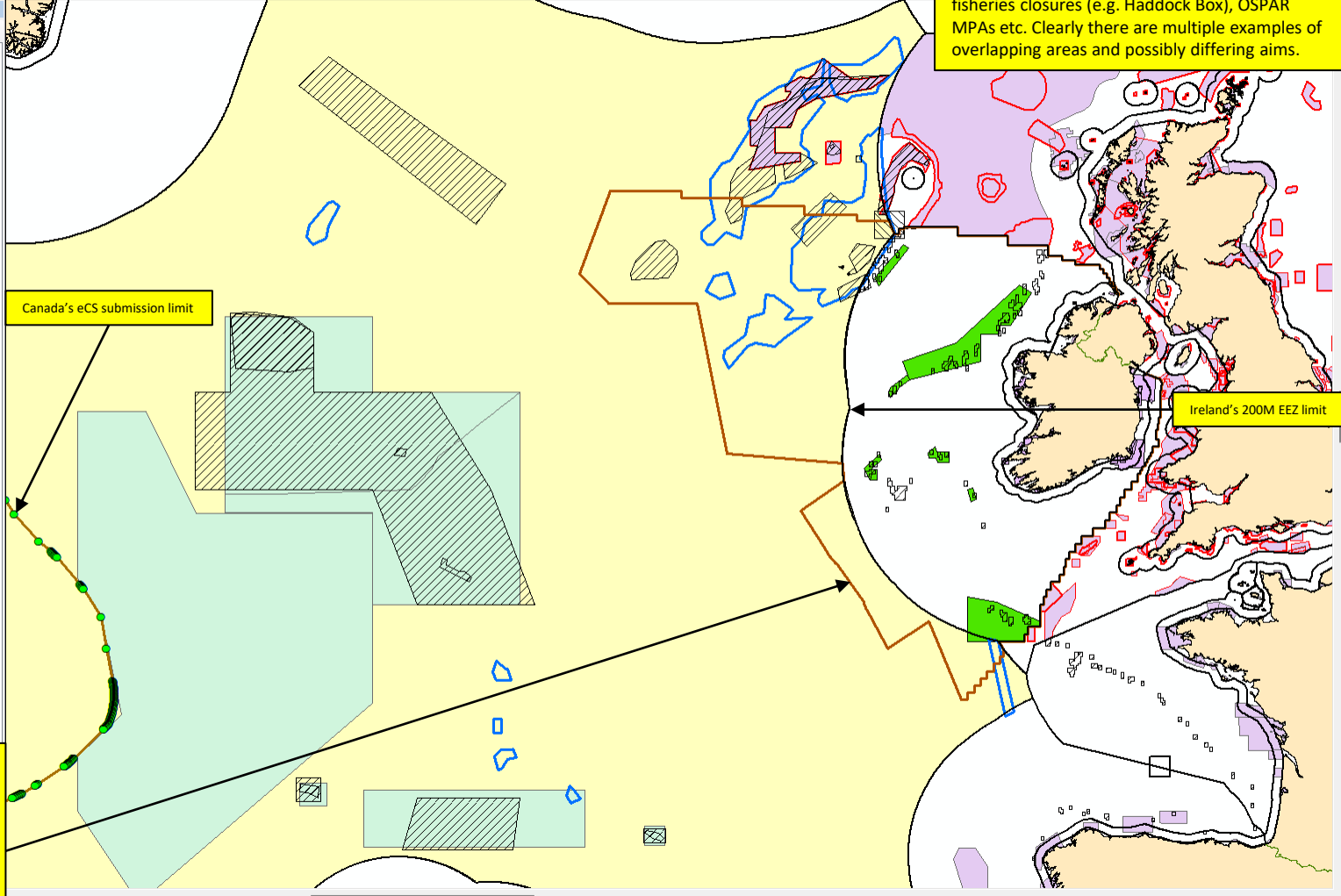
“Areas beyond National Jurisdiction” means the High Seas and the Area.

Nothing in this Agreement shall prejudice the rights, jurisdiction and duties of States under the (UNCLOS) Convention, including in respect of the Exclusive Economic Zone and the continental shelf within and beyond 200 nautical miles.



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Green polygons are SACs (inside Ireland's 200M EEZ). Hatched areas are EU closures, NEAFC VME closures (beyond 200M) and other specific fisheries closures (e.g. Haddock Box), OSPAR MPAs etc. Clearly there are multiple examples of overlapping areas and possibly differing aims.



Canada's eCS submission limit

Ireland's 200M EEZ limit

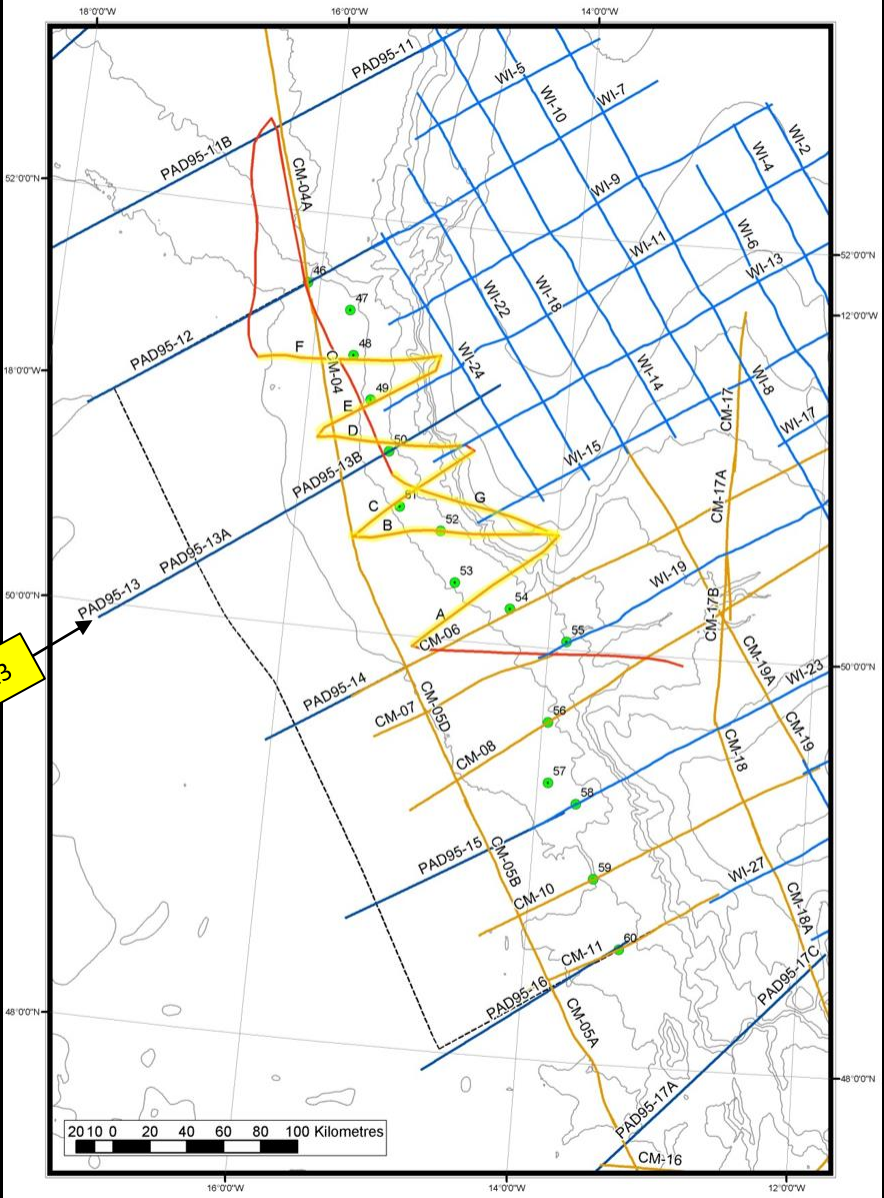
In this part of the Atlantic, the only location where the boundary of the Area has been established thus far is the Porcupine Abyssal Plain, following Ireland's partial submission to the CLCS in 2005.

Overview map NE Atlantic

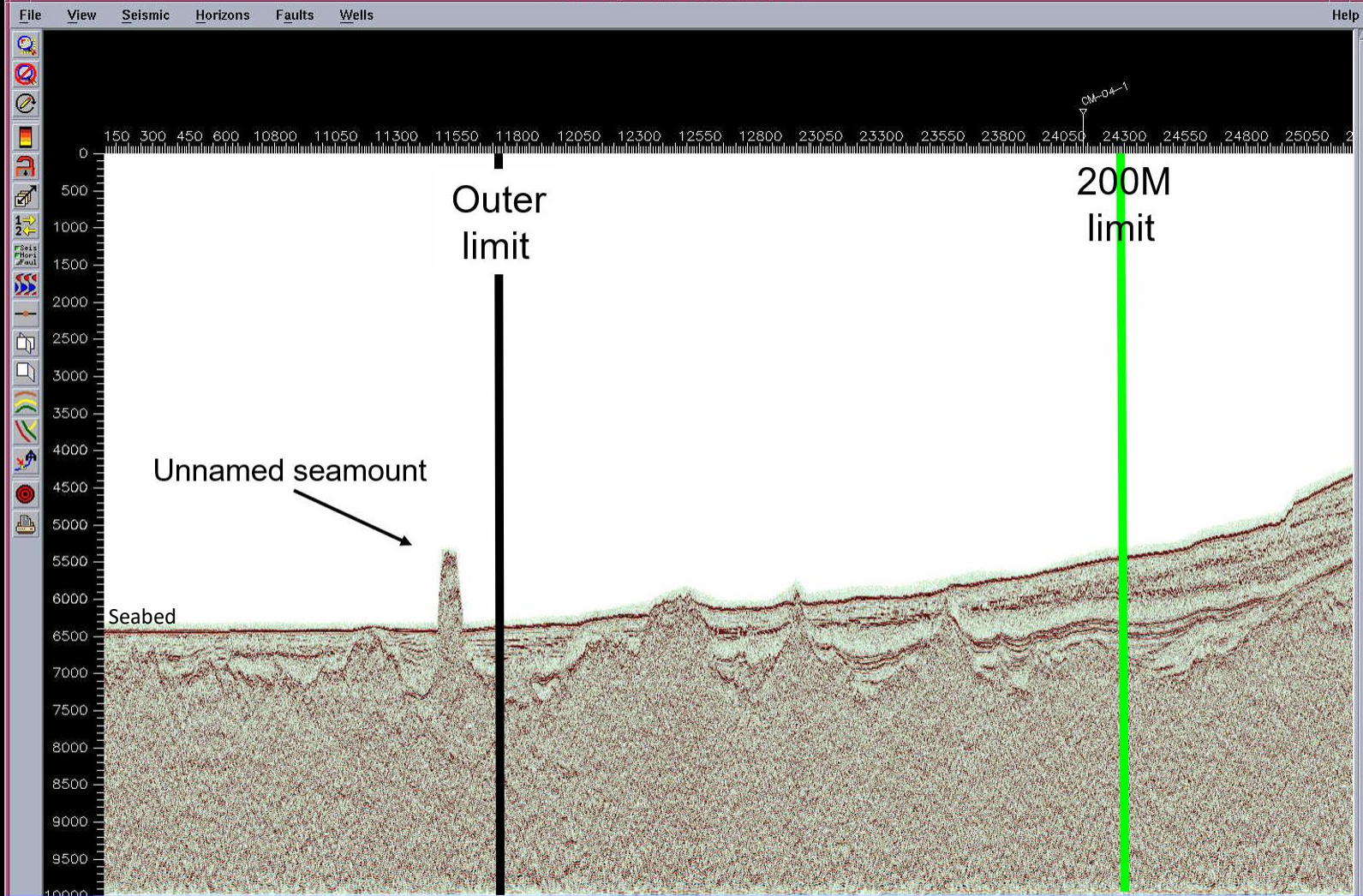


Location of seismic profiles across the Porcupine Abyssal Plain.

Seismic line PAD95-13



From Croker (2007)



From
Croker
(2011)

EEZ (200M limit) and Outer Limit of Continental Shelf located on seismic profile PAD95-13 in the Porcupine Abyssal Plain.

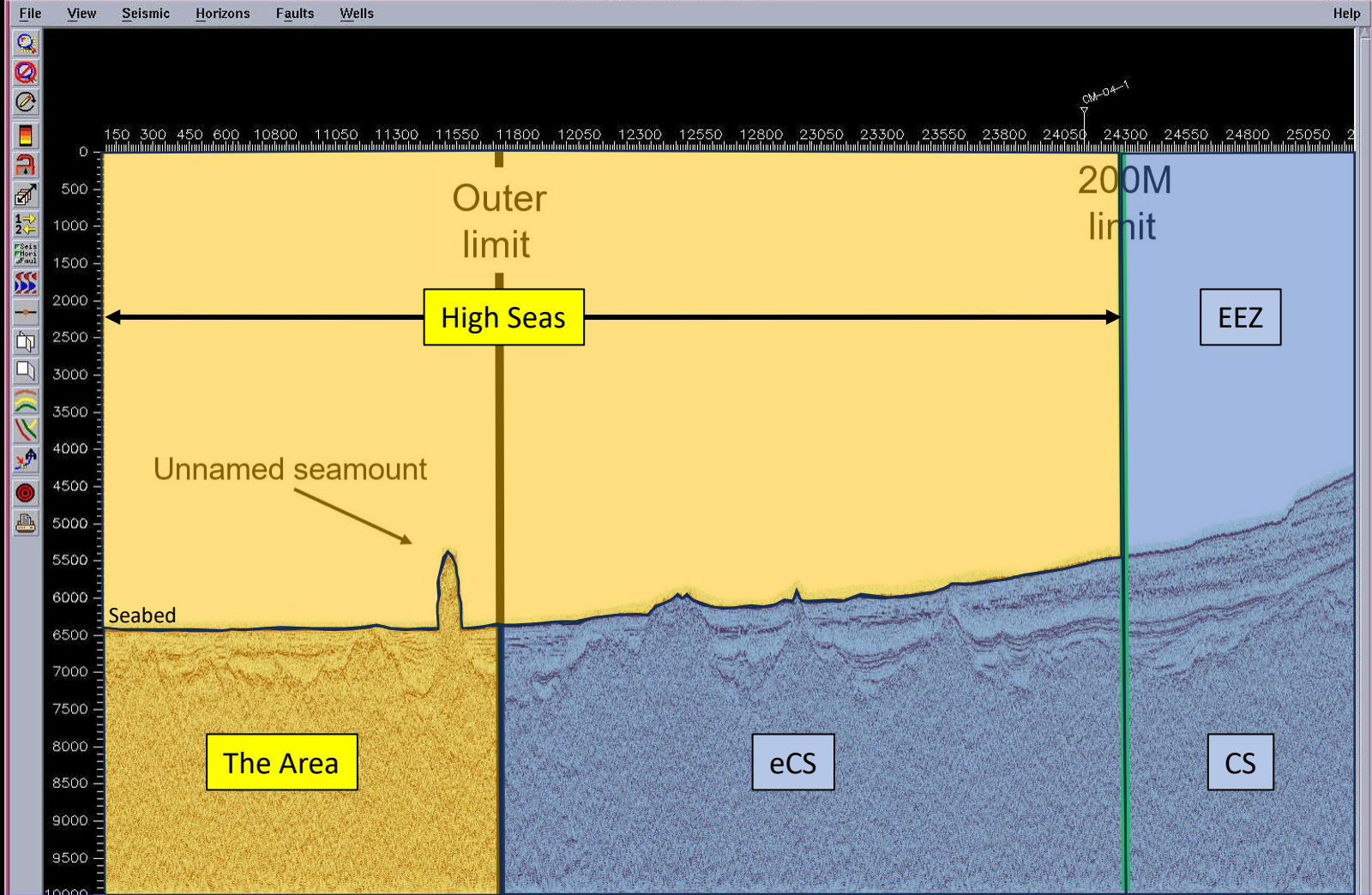


Illustration of areas under National Jurisdiction (Exclusive Economic Zone (EEZ), Continental Shelf (CS) and extended Continental Shelf (eCS)) and those Beyond National Jurisdiction (High Seas and the Area). Note that the terms 'Continental Shelf' and 'extended Continental Shelf' in this context are legal/administrative terms rather than being understood in a geological sense.

Preparatory Commission for the Entry into Force of 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 and the Convening of the First Meeting of the Conference of the Parties to the Agreement

Organizational meeting

New York, 24-26 June 2024

Agreed clusters of issues to be addressed by the Preparatory Commission for the Entry into Force of the Agreement

1. Governance issues
2. Issues pertaining to the operation of the Clearing-House Mechanism
3. Financial rules, and financial resources and mechanism

Schedule of future meetings

The Preparatory Commission decided that it would meet for at least two sessions of two weeks each in 2025, including from 14 to 25 April and from 18 to 29 August 2025, and for at least one session of two weeks in 2026, on dates to be determined by the Secretary-General, in consultation with the Co-Chairs of the Commission, and that additional meetings might be decided upon at a later stage.